



## Area Planning Committee (Central and East Durham)

**Date** Tuesday 11 December 2012  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Minutes of the Last Meeting held on 13 November 2012 (Pages 1 - 10)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/12/00149/FPA - 107A High Street, Carville, Durham, DH1 1BQ  
(Pages 11 - 22)  
Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear.
  - b) 4/12/00762/FPA - Land Adjoining Holdens Yard, West Side of Front Street, Quarrington Hill, Durham (Pages 23 - 32)  
Change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing.
  - c) 4/12/00791/FPA - Land Between 24 and 25 The Avenue, Durham, DH1 4ED (Pages 33 - 46)  
Erection of 3 no. two storey terraced dwellings.
  - d) 4/12/00936/FPA - Land Between 24 and 25 The Avenue, Durham, DH1 4ED (Pages 47 - 62)  
Proposed extension of time limit for implementation of 09/00756 for three terraced dwellings.

- e) 4/12/00851/FPA and 4/12/00852/CAC - Former Fred Henderson Ltd, Ainsley Street, Durham City, DH1 4BJ (Pages 63 - 96)

Demolition of existing garage/workshop buildings in association with development of student accommodation scheme.

- f) 4/12/00934/FPA - Beckwood, Potters Bank, Durham, DH1 3PP (Pages 97 - 110)

Erection of two storey extension to side and rear of property, including single storey sun room to rear, insertion of new windows in front elevation of dwelling, rebuilding of boundary walls and replacement of detached garage (part retrospective resubmission).

4. Appeal Update - Appeal by Mr Dolan Jnr. (Planning Application No. CMA/5/33) (Pages 111 - 112)
5. 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

3 December 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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**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)**

At a Meeting of **Area Planning Committee (Central and East Durham)** held in The Glebe Centre, Murton on **Tuesday 13 November 2012 at 1.00 pm**

**Present:**

**Councillor C Walker (Chair)**

**Members of the Committee:**

Councillors P Taylor (Vice-Chair), A Bell, J Blakey, G Bleasdale, J Brown, G Holland (substitute for D Freeman), S Iveson, R Liddle J Moran and A Naylor (substitute for A Laing)

**Apologies:**

Apologies for absence were received from Councillors D Freeman and A Laing

**1 Declarations of Interest**

There were no declarations of interest.

**2 Minutes**

The Minutes of the meeting held on 9 October 2012 were confirmed as a correct record and signed by the Chair.

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

**3a 4/12/00595/FPA - Arriva Bus Depot Site off Waddington Street and Ainsley Street Durham City**

The Committee considered a report of the Senior Planning Officer regarding the demolition of existing buildings and erection of 19 dwellings at the Arriva Bus Depot site off Waddington Street and Ainsley Street, Durham City (for copy see file of Minutes).

The Senior 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.

Councillor Holland informed the Committee that he wished to speak on the application as both a Committee Member and as local member for the area. He informed the Committee he would make his presentation and then take no part in the decision.

Councillor Holland informed the Committee that there was no resistance in principal to the development, but there was concern in the detail, and it was these concerns that needed to be addressed.

Flass Vale was a very important asset to the people of Durham City, and was important to people far beyond the City centre. The Vale had a rich history and was now protected by being a recognised Nature Reserve, with many people and organisations, including the County Council, now investing in its welfare.

Councillor Holland informed the Committee of his concerns around the detail of the application, as follows:

- Tree Preservation Orders should be placed on trees along the margin of the development to ensure that developers did not encroach into the Vale and damage the trees;
- A buffer zone between the houses or mews that faced the Vale needed to be devised. This might involve an adjustment to the plans to create communal space for the residents at the interface with the Vale;
- The impact of light pollution on the animal night life in the Vale needed to be addressed. One suggestion would be the erection of a substantial wall between the site and the foot of the Vale, or alternatively, mature hedging.
- Drainage was a problem in the Vale and from there into the City. The Vale once held a stream running down from a small lake at the head of the Vale into North Road. Drainage measures carried out in North Road lowered the water table in the Vale and the small lake and stream disappeared. The ground under the Vale was unstable and could cause problems, and this risk needed to be properly addressed.

Councillor Holland informed the Committee that there was currently a raft of protective Local Plan policies that addressed the four concerns raised. However, another major point of concern was that the proposed development was in the heart of student lets. Almost every house in the viaduct area was a student let, and a mechanism must be put in place to protect the integrity of this development and ensure it became a small community of families.

Finally, Councillor Holland informed the Committee that there was the potential for a series of developments in the immediate vicinity of this site, with opportunities opening up at the site of the former Fred Henderson garage, the Elliott site on Ainsley Street and the old County Hospital. This made a swathe of potential developments in a small area at the foot of Flass Vale. These should not be approached in a piecemeal fashion, but in a strategic manner to ensure a plan was in place that both harmonised and optimised the developments while also protecting the Vale.

The Senior Planning Officer responded to the issues raised by Councillor Holland as follows:

- Tree Preservation Order – there was already a condition proposed to agree precise works to be carried out to trees because the site was in a Conservation Area and subject to existing Tree Preservation Orders. Once the site was developed, the existing Tree Preservation Orders would remain.
- Buffer Zone – although a redesign of the site layout could not be agreed today, landscaping conditions were imposed for attachment to any approval to mitigate the impact of the development and provide a landscaping buffer.
- Light pollution – although there were currently no conditions around lighting, these could be included in the permission. However, a standard of lighting would be required for adoption of the roads on the development, and although discussions could be held with street lighting engineers, there was a limit on what could be done.
- Drainage – no objections to the development had been received from Northumbrian Water or The Environment Agency. Appropriate conditions would be imposed for works required to sewers and culverted watercourses.
- HMO's – the developer of the site was committed to imposing a covenant on the properties to ensure they did not become HMO's nor student occupied.

Mrs Standen, Chairperson of the Friends of Flass Vale FOFV), addressed the Committee. The Friends of Flass Vale was a community group which had over 240 members, and the concerns of FOFV about the proposed housing development centred on its impact on Flass Vale which adjoined it. The Vale was a Local Wildlife site and the part owned by the County Council was a Local Nature Reserve. However, this site and the two adjacent sites of Heron's/Henderson's former garage, Ainsley Steet, which had plans submitted for a student accommodation block, and the former County Hospital were within sight of the city centre it was felt that this should be an opportunity for an integrated approach to development which would enhance the existing character of this part of the city, which was a Conservation Area, and help redress the degradation caused by excessive multiple occupancy and resulting neglect.

Local people mounted a successful campaign in 1973 to save Flass Vale from a housing development and since the friends group was formed in 2002 it had been actively managed to enhance biodiversity and engage local people in activities such as identification of plants, moths, butterflies, bees, fungi, birds and bats, and other events such as a communal picnic, restoration of an old orchard and hedges, spring clean-up and tree planting. A task force worked 2 or 3 mornings a week, resulting in over 1,400 person hours in the last 12 months, to reduce the extent of invasive plants such as bracken, willowherb and Himalayan balsam, repair footpaths, diversify woodland and maintain open areas as meadow grassland. Money had been raised from coffee mornings and sale of calendars and grants received from the County Council, BBC Breathing Spaces, TransPennine, Woodland Trust, Environment Agency and Northern Gas, totalling £18,000 over 6 years.

Members had attended a public consultation mounted by the applicants, a meeting with a member of the Planning Department and a site meeting with a representative of the applicant where concerns were explained about the impact of the proposed development. These meetings, which were felt to be positive and constructive, resulted in a revised plan being submitted which addressed some of those concerns.

The main concerns about the development remained as follows:

- The threat to mature beech trees on the western boundary – there should be greater protection for these trees, with no disturbance to the embankment or pruning.
- There was a lack of a buffer zone between the houses and the Local Nature Reserve (LNR) – there should be a gap between the last house and the northern boundary as a communal space for residents
- Light and noise pollution from houses would disturb animals such as owls and badgers, which could be mitigated by reduced lighting and a substantial wall between the site and the LNR
- The house design with 4 bathrooms and en-suite bedrooms invited multiple occupancy. The existing mains sewer ran through the LNR adjacent to Flass Burn and had burst 4 times in the last 4 years, and assurance was sought that an adequate sewerage system was installed.
- the piecemeal approach to development within the Conservation Area did not maximise the potential for planning gain. There was a unique opportunity for planning the development of this site as a holistic approach which would recognise and enhance the significance of the area for Durham as a whole, and which included substantial planning gain.

The Senior Planning Officer informed the Committee that he had met previously with the Friends of Flass Vale, who were not looking to obstruct the development but had concerns regarding its detail. The matters raised by Mrs Standen had been considered during the preparation of the report.

Emma Bond addressed the Committee on behalf of the applicant, Gentoo. She informed the Committee that Gentoo had been granted preferred bidder status for this site by Arriva, despite them not being the highest bidder for the site. Gentoo currently managed 29,000 affordable homes. Work between Gentoo, Arriva and the County Council had taken place to agree the provision of 3 affordable homes on the site, as well as a contribution to recreational and play space and for public art. The applicant was now working on the basis of a reduced house profit basis for this site. Community consultation on the proposed development had resulted in a 100% response in favour of the site being for family residential development. Gentoo was committed to the development not being available as student accommodation.

The development, which would provide a £2.5m boost to the construction industry, could commence in March 2013. It would provide 2 new construction apprenticeships and 2 construction posts would be recruited from the local jobs market.

The application was a high quality development which delivered affordable housing and had the support of the local community.

Councillor Taylor informed the Committee that he was in broad support of the application but suggested that further negotiation take place with the applicant around increasing their contribution towards affordable housing.

Councillor Blakey informed the Committee that she supported the application. While appreciating that the trees in the Flass Vale area were subject of Tree Preservation Orders, she stressed the need to ensure that these were enforced. Councillor Blakey proposed that an additional condition be added to the permission to prevent any change from C3 to C4 development on the site.

Councillor Bell agreed with the importance of protecting Flass Vale and associated woodland and praised the ethics of the applicant regarding the use of local employment and local materials. He moved that the application should be approved, subject to an additional condition to prevent any change from C3 to C4 development, the implementation of a buffer zone at the development and conditions to be placed on lighting on the development. He added that the development should have 3.8 affordable homes rather than 3, and suggested that negotiation take place with the developer to provide an additional contribution equivalent to the 0.8 home.

Emma Bond informed the Committee that Gentoo's initial bid for the site was on the basis of no affordable housing being provided. Since then, negotiations had taken place with the County Council and Arriva to allow for 3 affordable homes to be provided, however, this now meant that the developers were operating to minimum margins, and any further affordable housing may result in the development not being viable. Although Gentoo would consider further financial contribution, the likelihood was that none would be forthcoming.

**Resolved:**

That the application be approved, subject to a renegotiated s.106 agreement to include an affordable housing combination, and to the conditions outlined in the report and the following:

- an additional condition to prevent any change from C3 to C4 development
- negotiations on a landscaping scheme to provide a buffer to Flass Vale
- an additional condition to agree lighting used within the development
- further negotiations on the level of financial contribution to be made by the developers.

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

The Committee considered a report of the 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 of the Committee had visited the site on 9 October 2012 and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that this application had been deferred from its meeting on 9 October 2012 to allow further investigations to be carried out regarding access to the site and to allow further clarity to be sought from Northumbrian Water Ltd around drainage and sewerage issues. These

investigations had now been completed and the report incorporated an additional section which provided the updated details.

Mrs J Peeck, local resident, addressed the Committee. She informed the Committee that sewer and flooding problems in the area had not been addressed and that Northumbrian Water Ltd was not undertaking survey work in the area. Also, the report did not mention the flood alleviation works which were carried out in the Rowantree Avenue area some three years ago. She therefore felt that the report and Planning Officers comments to Committee were misleading. Photographic evidence of foul sewage spills had been provided and until this issue was resolved there would be no improvement, and the application being considered would add 50% to the area of the building. The application would lift part of the property by some 8 centimetres and provide a ramp into the new garage, and this could cause problems with the discharge of the additional surface water.

Mrs Peeck then referred to access to the site while works were being carried out. The project was anticipated to last some 5 to 7 months, during which time the neighbouring properties would suffer a loss of amenity. The tonnage for deliveries to the site would be in excess of what the access was constructed to take. Any works to be carried out to properties at The Paddock required the written permission of the developer of the properties, and it was unknown whether this had been obtained.

The Principal Planning Officer replied that drainage issues had been investigated and that the County Council was reliant on information provided by Northumbrian Water Ltd, who had advised that drainage and sewage issues could be dealt with through the implementation of approved planning conditions. Access issues were a private matter between the developer and residents and the permission of the developer was a private legal issue.

Councillor Thomson, local Member, addressed the Committee. He referred to the comments made by Councillor Southwell at the meeting on 9 October, which resulted in the matter being deferred until Northumbrian Water could confirm that drainage issues could be addressed in an appropriate manner. This now appeared to have been done and he asked that Planning Officers, contractors and Northumbrian Water Ltd worked closely together on drainage issues and ensure local Members were made aware of any problems that arose. Alternative access to the site did not appear to be possible, and Councillor Thomson asked that all possible consideration be given to the residents of The Paddock during construction works and that access land was reinstated once works had been completed.

The Committee expressed concern at drainage issues in the area and whether this proposed development would exacerbate the possibility of flooding in the area. Councillors Moran and Holland also expressed concern about access to the site by construction traffic and asked whether an alternative access could be taken off Broomside Lane.

The Principal Planning Officer informed the Committee that a detailed report on drainage issues had been received from Northumbrian Water Ltd, and this had been summarised in the report to Committee. The Highway Development Manager



informed the Committee that Broomside Lane was not considered as an appropriate access to the site. The road had traffic flows of 8,000 vehicles a day. Works to the traffic signals in this location were scheduled to take place in April 2013 to increase their capacity in line with the development of Belmont Industrial Estate. Once these works had taken place, queues would extend up to 90 metres, which would be up to where the proposed alternative access would be. Also, there was a 315mm high pressure water pipe under the grass verge which access would need to be taken over, which would need protecting or diverting, as well as the need to remove and then reinstate the grass verge once the works were completed.

Councillor Blakey asked whether consideration had been given to imposing a one-way system for access to the site, with vehicles entering the site through the gates to The Paddock, then leaving by an alternative access onto Broomside Lane, with no right turn. The Highway Development Manager replied that this had not been discussed but could be considered.

Councillor Brown informed the Committee that a full report from Northumbrian Water on flooding and sewerage problems in the area should be provided. The Planning and Development Solicitor advised the Committee that it could be an express wish from the Committee that officers approached Northumbrian Water Ltd for such a report, but this could not be part of a planning condition. Councillor Thomson requested that such a report be shared with the local Members and Parish Council.

**Resolved:**

That the application be approved, subject to the conditions outlined in the report and a further condition requiring a one-way system for construction traffic, exiting onto Broomside Lane.

**3c PL/5/2012/0305 & PL/5/2012/312 CAC - Westfields, Hawthorn Village, SR7 8SG**

The Committee considered a report of the Planning Officer regarding the demolition of an existing bungalow and erection of two dwellings at Westfields, Hawthorn Village (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 Development Management Engineer informed the Committee that the access road to the proposed development was a Type 4 Access Way, which could accommodate up to 20 dwellings. There were currently 7 dwellings on this road. There had been a delay in this road being adopted due to negotiations with Northumbrian Water Ltd., but these negotiations had now been completed and the developer was being pursued to finalise adoption.

Mr Robinson, a resident of Hawthorn Village, addressed the Committee. The Village, which became a Conservation Area some 40 years ago, had undergone

dramatic changes in recent years, particularly to the north. The buildings in this area were large and out of character with the village and detracted from the appearance of the Conservation Area. This application was not conservation, it was the demolition of a bungalow to be replaced with two detached houses. This conflicted with Policies 22,35 and 67 of the saved district of Easington Local Plan, and consideration should be given to enlarging the bungalow currently on the site to create two semi-detached bungalows. Residents of the village felt badly let down by the properties already built in the area of this application, and a more favourable design concept should be sought.

Mrs Stephenson, applicant, addressed the Committee. She informed the Committee that the proposed development would enhance the entrance to Hawthorn Village and level out and balance the development to the east, especially through the choice of materials to be used. The proposed development would be an improvement to the bungalow currently on the site and the landscaping would remain the same, with only a couple of shrubs to be removed. The current properties on St Michael's Rise, which were all two storey, overlooked the bungalow currently on the development site. No objections had been received from residents to the east of the village, on whom the development would have the greatest impact.

The Principal Planning Officer responded to the issues raised. He informed the Committee that conservation was not preservation. Conservation Areas were changing entities and there was a need to ensure that developments respected the Conservation Area.

Councillor Taylor informed the Committee that the earlier site visit had been very beneficial to observe the proximity and height of the dwellings on St Michael's Rise. The proposed development was appropriate for the area and would enhance the entrance to the village.

Councillor Bleasdale agreed that the application site was appropriate for the proposed development.

**Resolved:**

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

**3d PL/5/2012/0292 - Land at former Dormand Villa, Ferndale Close, Station Town, TS28 5HL**

The Committee considered a report of the Senior Planning Officer regarding the erection of 22 dwellings on land at the former Dormand Villa, Ferndale Close, Station Town (for copy see file of Minutes).

The Senior 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.

Mr Alder addressed the Committee on behalf of the applicant, Gleeson Developments Ltd. He informed the Committee that the company had worked with the County Council to achieve an acceptable scheme, which would bring positive regeneration benefits to Station Town. The proposed development would create local construction jobs and apprenticeships, and it was the ethos of the company to build low cost homes in areas of need of regeneration. The company imposed covenants on each property to ensure they were not bought to be re-let, and these covenants were rigorously upheld and enforced.

**Resolved:**

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

**3e 4/12/00112/FPA & 4/12/00113/LB - HM Prison Durham, 19B Old Elvet, Durham, DH1 3HU**

The Committee considered a report of the Senior Planning Officer regarding the demolition of an existing building and the erection of a new healthcare building and the relocation of an existing modular building and greenhouse (planning and listed building consent) at HMP Prison Durham, 19B Old Elvet, Durham City (for copy see file of Minutes).

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

**Resolved:**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	4/12/00149/FPA
FULL APPLICATION DESCRIPTION:	Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear
NAME OF APPLICANT:	Executive Catering and Coach Services
ADDRESS:	107A High Street, Carville, Durham, DH1 1BQ.
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	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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This application was previously considered at the Area Planning Committee (Central and East Durham) meeting held on 11<sup>th</sup> September 2012. A decision was deferred to allow further investigation of issues raised by objectors. Since then, revised details of an extraction system have been considered and consulted upon and this report incorporates appropriate changes to address the issue and other matters subsequently raised by objectors. Changes to the previous report are highlighted in **bold**.

#### SITE:

1. The application site is 107A High Street, Carville, to the east of Durham City Centre. The building is of two storey construction, with a large garage space to the south west facing elevation. To the rear of this garage sit two further single storey flat roof structures. Various plant and structures exist within the back area of the site and are detailed below. To the rear of the property there are grassed and hard standing areas. Vehicular access to the rear area is taken from a garage door on the adjoining side street **which is adopted**. The site sits within a busy mixed use local high street location. There is a large amount of residential accommodation that surrounds the site. Residential properties bound the premises indirectly to most elevations, across Carville High Street, to the south of the premises separated by an access road and further to the east at Broome Road. Site levels are relatively flat.

#### PROPOSAL:

2. The application seeks consent to retain 15 Solar panels which have been placed on single storey flat roofed structures to the rear of the main buildings. The panels are free standing, mounted on brackets to face south / south west. The panels project above the flat roof by 68cm and each measure approximately 1.6m in width.

3. To the rear of these outbuildings sits a shipping container, used for storage. This measures approximately 2.4x2.4m and stands at approximately 2.8m in height. Further

round in the rear yard an external fridge and freezer have been placed. These measure approximately 2.1m x 3.2m standing at a height of 2.1m. A Hard standing area has also been developed to accommodate this plant and parked vans and trailers used in connection with the business. Planning consent is sought to retain the container, fridge, freezer and area of hard standing.

4. Planning consent is sought to erect a timber storage shed to the rear of the hard standing area. This shed would measure 6 metres in width, 3m in depth and 3m in height. The removal of one tree is proposed to accommodate this shed. Planning permission is also sought to erect an extraction flue which would be placed above the existing single storey garage to the side of the premises. **This flue would exit the front facing roof slope and extract above the ridge line of the main building.** The garage internally would be fitted with large extraction hood and extraction system would be fitted with a fan to aid odour removal.

5. This scheme is being reported to committee at the request of the local divisional member.

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## **PLANNING HISTORY**

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6. In March 1986 Planning permission was granted for a change of use to 'preparation and production of food for outside catering, coach companies and retail outlets'. No opening hours were specified upon the granting of this planning permission. An application for an extension to provide an office and reception area together with lean to store and car parking to rear garden was refused in 1989. In 1990 an application for change of use from residential to reception and office in connection with catering business was refused. **Various enforcement notices were served in relation to the site from 1990 in relation to an application for 'change of use from residential to reception and Office in connection with catering businesses'. However these notices were appealed and were quashed by the Planning Inspectorate who deemed the use ancillary to the previously granted 1986 approval.** In 1993 planning permission was granted for single storey pitched roof extension to side to form a garage.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. 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.

8. 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'

9. The following elements is 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.

## 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 (Climate Change)** seeks to promote measures to tackle climate change amongst other policy it seeks to encourage renewable energy capacity.

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.

15. **Policy 39 (Renewable Energy Generation)** seeks to increase the renewable energy generation capacity of the North East.

## LOCAL PLAN POLICY:

16. **Policy E14 (Trees and Hedgerows)** requires that trees or hedgerows of value that are lost during development should be replaced.

17. **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.

18. **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

19. **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.

*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. The divisional member has expressed concerns surrounding the application. These concerns include vehicular movements and work being carried out late at night after 11pm, food preparation practises including hog roasting with associated unpleasant odours and the construction of outhouses and sheds within the grounds of the site. The same member has also expressed concerns relating to the difficulty that residents have accessing and egressing their dwellings to the side access lane due to the parking of vans and vehicles associated with the company.

21. Belmont Parish Council has objected to the planning application **and have again confirmed their ongoing concerns in relation to business practices at the site.** They are concerned as they deem that the site is becoming overly industrial and feel that the current use of the site is totally unacceptable. They have concerns over opening hours, the flue extraction system, noise from plant within the site, vehicular access, drainage, storage of gas cylinders, the solar array on the buildings, the hard standing area and feel that the proposed shed represents over development of the site.

## INTERNAL CONSULTEE RESPONSES:

22. Environmental health has offered no objection to the application. They consider that the predicted fan noise will not have an adverse effect on the overall daytime noise levels. **They state that the ventilation flue should extend to at least ridge height to aid odour dispersal. Environmental Health suggests that a time restriction should be placed on the operating hours of the extraction system.** Highways development management has offered no objections to the application.

## PUBLIC RESPONSES:

23. **9 Letters of objection and two letters of concern have been received in relation to the development.** Objectors have questioned perceived inaccuracies in the application form and suggest that the premises do operate outside the times specified on the application form.

24. Concerns have been put forward due occasional buzzing and low frequency vibration emanating from the existing fridge and freezer to the rear of the premises. Objectors state that this has made it difficult to leave windows open and sleep in the summer months.

25. Objections have been put forward regarding the extraction system due to concerns over noise and smell which it is suggested would emanate from it. Concern has been expressed over the positioning and height of the extraction system. Objectors have suggested the system could be a distraction to drivers, impacting upon highway safety. **Concerns have been put forward that the extraction flue would be too prominent and out of keeping with the character of the area in its revised format.**

26. Objections have been expressed over the proposed shed due to perceived reduction in views and amenity.

27. Objectors consider the business inappropriately placed and consider that an industrial unit would be a more appropriate location for the business. Objectors consider that the business has expanded to such a degree that it has outgrown the site.

28. Diversification into producing 'Hog Roasts' has also caused significant concern. Hog roasting has reportedly been taking place in the open air to the rear of the premises causing smell disturbance.



29. Objectors consider the site to represent a breach of the Human Rights Act.
30. Concerns have been expressed over the removal of trees to the rear garden.
31. Objectors state that there are significant vehicular movements associated with the site and these cause them concern. Vehicle movements early in the morning and late at night are reported to cause disturbance. These vehicular movements are reported to involve both company vehicles and goods supply vehicles. **Concerns are raised in relation to the side access used at the premises.**
32. Objections are put forward in relation to the hard standing area which has been placed to the rear of the premises and possible surface flooding associated with this.
33. Reduction in outlook and the change in outlook from the previous orchard garden causes concern to residents.
34. Concerns have been put forward that the solar panels are an eyesore and are inappropriately placed. Objectors consider them unsuitably placed and consider that they represent a danger to anyone who may climb onto the roof. Objectors claim these panels are not placed in accordance with planning guidelines.
35. Objectors have questioned the merit of the noise impact assessment that has been submitted relating to the installation of the extraction fan.
36. Concern has been expressed over the storage of gas cylinders.
37. Objections are put forward on the basis that property values around the site are seriously detrimentally affected by the development and current status of the site.

#### **APPLICANTS STATEMENT:**

#### 38. New extraction unit

In September 2011 Mr John Dodds from Durham environmental health department visited our premises with regards to our mobile hog roast ovens. He wanted to see if it was possible to cook the pigs inside with an extraction fan that would ensure the cooking odours would be distributed at a higher level. I have personally worked closely with Mr Dodds and followed his instruction regarding the unit required. Per Mr Dodds requirements, the noise survey team [www.emat.co.uk](http://www.emat.co.uk) was hired by ourselves to ensure the extraction unit would not cause any disruption during operation.

#### 39. Solar panels

In August 2012 we purchased a solar panel system. I was informed at that time that the system would not need planning permission. We paid for the installation in October 2011. Mr Tim Burnham from Durham planning department visited our premises regarding the new extraction system and advised me the solar panels would need planning permission because we are a commercial property. The solar panels help to reduce the running costs of the business, provide an environmentally friendly electricity supply and removes the need for power from the grid. This is beneficial to the area and the environment.

#### 40. Walk in refrigeration and freezer units

These units have been on site for over five years and are required to store food safely as instructed by the environmental health department. Each unit has been installed with brand new

low level noise motors to minimise noise pollution. The noise effects were also monitored by the EMAT team and results showed no noise issue.

#### 41. Storage unit

The storage unit has been on site for over 15 years and is required to store general catering equipment we use on a regular basis.

#### 42. Garden shed

The new garden shed is required for all the items, which are currently stored in the garage as this is where the new extraction unit would be placed. I've worked closely with Mr Tim Burnham from the planning department to ensure any new changes would not effect neighbouring properties and impact the environment in any way.

*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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43. 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, and the impact of the development that is sought to be retained and proposed upon the character or appearance of the residential area, and the amenities of residents within the area.

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

44. Planning permission was granted in 1986 to change the use of the premises to carry out the preparation and production of food for outside catering, coach companies and retail outlets. This type of use is deemed by Officers to fall within the B2 use class. Given that the business operation, although expanding, appears to be operating within the same basis, Officers do not consider that any change of use has occurred at the site in relation to the current use. This application therefore does not represent an application for change of use or retention of use. The application relates solely to the retention of existing developments at the site and to the provision of new development proposed.

45. The expansion of activities at the site has been given careful consideration by Officers and it appears that a noticeable point appears to have come this year with the expansion of the enterprise to accommodate Hog Roasts. This practice has been notified to Environmental Health and Planning Officers during the course of the year. Environmental Health officers have expressed concerns over this practice, leading to discussion between the business owner, Environmental Health and Planning Officers to look to find a solution to significantly reduce the impacts in terms of smell and disturbance of this practice on the Local Area.

46. A scheme involving converting the garage area has been put forward, with associated internal hood and extractor fan and flue. This would see hog roasts take place inside the garage where associated odour could be more appropriately managed through the installation of a purpose suited extraction system to extract odours to a suitable level for dispersion.

47. The storage shed is for additional storage space required should the garage area be used as a hog roasting area, as this area is currently used for storage.

48. The site does sit within a busy high street location and there are a variety of uses in place along the high street. Officers acknowledge that the surrounding area, however, to a large degree is residential. In terms of refrigeration equipment sited within the rear area, the placing of such equipment within residential areas is not uncommon and occurs frequently for example where shops requiring refrigeration on site sit closely to residential properties.

49. The use of solar panels is widely promoted through national planning policy and wider government guidance. The National Planning Policy Framework stated that local authorities should actively support energy efficiency improvements to existing buildings. There is no specific policy or guidance which dictates how or where solar panels should appear on commercial building, although permitted development tolerances are outlined at a national level. While Officers accept that the panels are apparent in appearance, solar panels rarely increase the attractiveness of a particular building and by their nature always appear incumbent upon the building upon which they are situated. **Concerns have been raised with regards to the safety of the solar panels, which do not require building regulations approval. The responsibility for the safety of the panels would lie with the applicant.**

50. Opening hours are specified on the application form as 0600-1700 Monday to Friday 0630 to 1700 Saturday and 0900 to 1100 on Sundays and Bank Holidays. The difficulty Officers have especially in relation to the reported current use hours is that the consent granted in 1986 did not restrict opening hours, therefore with this consent in place there is no opportunity to enforce opening hours at the site.

#### **Impact upon character or appearance of the residential area, and the amenities of residents within the area**

51. Policy H13 of the City Of Durham Local Plan states that planning permission will not be granted for new development which has a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. The supporting text to the policy states that residents can reasonably expect to enjoy a safe, secure and attractive environment. It states that development which generates for example pollution, noise, smell dust, traffic or parking on a scale not normally associated with residential areas will be resisted.

52. Officers consider that the solar panels which are proposed to be retained at the site although not necessarily complimentary in appearance do not have a significant adverse effect upon the appearance of the area. The utilitarian appearance of the panels is not totally at odds with the flat roofed structures on which they are placed and the panels are located to the rear to minimise visual impact and appearance from the high street to the front. Likewise, Officers do not consider that the retention of the storage container, fridge or freezer at the site would have a significant adverse impact upon the appearance of the area. Officers consider that the storage shed proposed would also be appropriate in relation to the appearance of the area. **While visible to surrounding dwellings on Broome Road and High Street**, the storage shed would be sited towards the centre of the site and would sit approximately 16m from properties to the rear on Broome Road and approximately 12m from 108a-110a High Street to the south.

53. With regards to the flue proposed to the south west facing gable elevation, Officers have given significant consideration to the siting of the flue and its potential visual impact upon the surrounding area. The visual impact has been carefully weighed against the benefits of providing a proper hog roast cooking area and extraction system. Officers consider that providing this facility would resolve issues of complaint regarding the site concerning odour and smell and consider that the positives of providing this system would outweigh the negative of the degree of visual intrusion that the flue would introduce **due to its height and location**

**set against the main gable wall of the building. It is not unusual to see a flue of this type of design and appearance within a residential area when associated with a food preparation facility.**

54. Environmental health officers have considered the flue and extraction proposals and consider that **the positioning of the flue towards at least ridge height of the building** will assist in the dispersal of associated odour. **The flue is proposed to extract above ridge height.** They have also given consideration to the extraction fan system and any associated noise that it could produce. The noise rating for the extraction fan is 51dB(a). This not a significantly high noise rating, and would be on par with the noise level that could be heard inside an average home. Environmental health considers that the predicted fan noise will not have an adverse effect on the overall daytime noise levels. The applicant has outlined that he intends to carry out hog roasting during day time hours only, between 7AM and 5PM.

55. Officers consider that the flue and extraction fan proposed would not have a significant adverse affect upon the amenities of residents within the area and consider that the proposals would assist in improving conditions for surrounding residents by discharging odour at a height that will aid its dispersal.

56. Officers have visited the site and observed the fridge and freezer in operation at various times. The units were not observed to be especially noisy and Environmental Health has offered no concerns over these in relation to noise issues. **Following a review of the planning history of the site, the side access to the premises which has caused concern for residents appears to be historic and has been in place for a period of time.**

57. Officers are aware that trees have been removed to the rear area. No formal consent was required from the council to carry out these works. One tree is proposed for removal to accommodate the shed, and a condition requiring replacement with a suitable alternative is attached to this report.

### **Other Matters**

58. Many matters have been raised in objection letters regarding the established use of the site. These, for example, include access and parking issues, issues relating to storage of gas cylinders. These are not matters which would come under direct planning control and it is understood that other measures are being explored such as the provision of bollards to reduce such problems in relation to parking. Officers are not aware that any requirements for the safe storage of gas are being broken at the site, but again, this would not come under direct planning control. Objections are put forward on the basis that the development would negatively affect property prices in the surrounding area, however these concerns are not material planning considerations and should not be given weight when considering these proposals.

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## **CONCLUSION**

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59. In summary, Officers consider the application acceptable in terms of the principle of the development. This is because the site has an established use with planning permission being granted for the current catering company use in 1986.

60. Officers consider that there would not be significant adverse effects on the character or appearance of the residential area, or the amenities of residents within it. This is because the provision of an extraction system and flue would reduce odour issues around the site. Noise that would be emitted from the system is considered to be within acceptable parameters in

the context of the surrounding area. **The revised extraction system has been fully assessed and account has been taken of residents' further concerns received following consideration of the previous report. A condition has been attached which restricts the operating hours of the extraction system, to minimise disturbance to nearby residents.**

61. Officers consider the application to meet the requirements of national and regional planning policy, and Policies E14, H3, T1 and T10 of the City of Durham Local Plan 2004.

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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 extraction system proposed under this application shall not be operated outside the hours of 0700 to 1700 on any day of the week.**

**In the interests of the residential amenity of the area and to comply with Policy H13 of the City of Durham Local Plan 2004.**

3. The tree to be felled shall be replaced with a suitable native species tree; the replacement planting shall be carried out within 12 months of the felling of the tree proposed under this application. The tree shall be planted and maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, and shall be replaced if it should fail within 5 years of initial planting, not later than the following planting season.

In the interests of the visual amenity of the area and to comply with Policy E14 of the City of Durham Local Plan 2004.

4. The development hereby approved shall be carried out in strict accordance with the following approved plans. Development shall also be maintained in accordance with the following approved plans;

(Block Plan of site as proposed, ISO Shipping container, fridge and freezer units, Solar Panels, timber storage shed, extraction vent received 13<sup>th</sup> February 2012. 03<sup>rd</sup> May 2012 and 21<sup>st</sup> August 2012 & Technical Note EMAT/TN/2012-5-16 & Extraction system specification received 29<sup>th</sup> May 2012)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, H13, T1 & T10 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. It is considered that there would not be significant adverse effects on the character or appearance of residential area, or the amenities of residents within it while the developments would be appropriate in terms of Highway Safety in accordance with Policies E14, H13, T1 & T10 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 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 appropriate as it would be acceptable in terms of issues surrounding the establishment of the principle of development at the site and issues surrounding the character and appearance of the area and the amenity of surrounding residents.

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

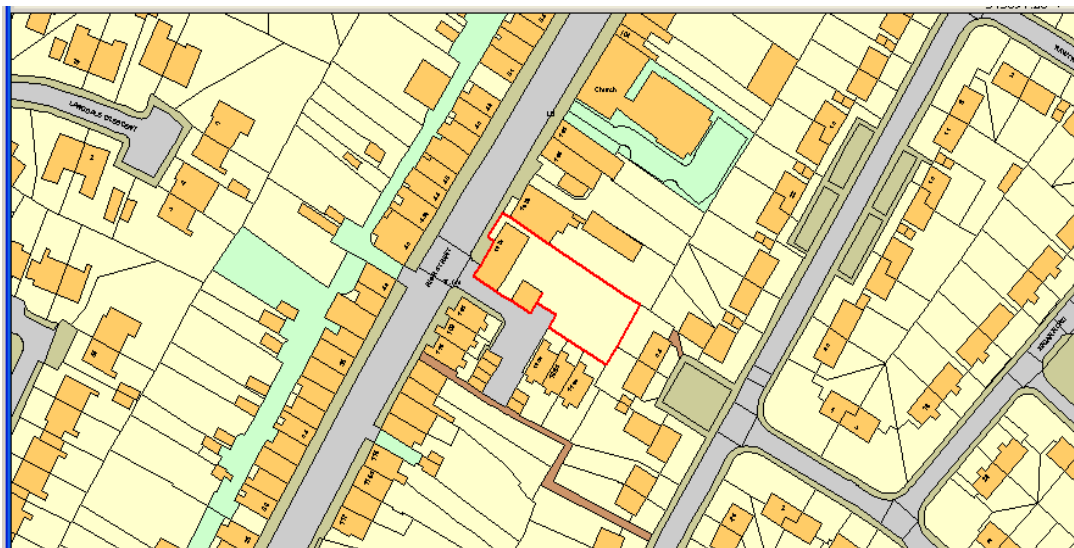
City of Durham Local Plan 2004

Responses from Objectors

Responses from Councillor and Parish Council

Response from Highways Development Management

Response from Environmental Health





**Planning Services**

Proposed timber storage shed and flue associated with extraction system and retention of solar panels, fridge, freezer, storage container and hard standing to rear

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**Date 11<sup>th</sup> December 2012**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00762/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing
<b>NAME OF APPLICANT:</b>	W H Holden & Son
<b>ADDRESS:</b>	Land Adjoining Holdens Yard, West Side of Front Street, Quarrington Hill, Durham
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Richard Greig Assistant Planning Officer 03000 263 965 <a href="mailto:richard.greig@durham.gov.uk">richard.greig@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The land subject of this application is situated outside of the settlement boundary of Quarrington Hill, in a non-designated area to the north of land designated for employment allocation. The application site comprises a vacant paddock of mature vegetation, located immediately to the north west of the established light industrial premises of W H Holden & Son and to the south east of existing allotment land. The land is accessed from an unmade track via Front Street South which leads northwards to the allotments and beyond to the perimeter of the playing fields to the north east.

### The Proposal

2. This application seeks planning permission for a change of use of the aforementioned paddock to form an ancillary storage area serving W H Holden & Sons, and the enclosure of the land with 2.50m high palisade fencing.
3. This application is reported to Planning Committee at the request of Coxhoe Parish Council.

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## PLANNING HISTORY

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4. 04/00800/FPA - Change of use of land to light industrial use and erection of 2.50m high palisade fencing – Approved 27.08.04

Note: The above application related to approximately 325m<sup>2</sup> of land immediately to the west of the land subject of the current application. This approval has since been implemented.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. 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.

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'.

Section 3 of the NPPF places an emphasis upon the need to support economic growth in rural areas.

Section 7 of the NPPF places an importance upon the need to promote good design as a key aspect of sustainable development.

Section 11 of the NPPF places an emphasis upon the need to conserve and enhance the natural environment.

### **LOCAL PLAN POLICY:**

6. Saved Policy E7 – Development Outside Settlement Boundaries

Policy E7 places a general presumption against development outside existing settlement boundaries, however, opportunities for development may be considered acceptable in exceptional circumstances.

7. Saved Policy E14 – Trees and Hedgerows

Policy E14 seeks to retain trees and hedgerows, which contribute to the character and quality of both the countryside and urban area.

8. Saved Policy EMP9 – Local Industrial Sites

Policy EMP9 places a general presumption in favour of light and general industrial uses within designated Local Industrial Sites.

9. Saved Policy EMP10 – Bad Neighbour Activities

Policy EMP10 states Industrial Uses falling under B2 and Sui Generis will only be permitted subject to compliance with key policy criteria.

10. Saved Policy EMP16 – Employment in the Countryside

Policy EMP16 makes provision for limited employment generating uses in the countryside in limited circumstances.

11. Saved Policy T1 – Traffic Generation (General)

Policy T1 places a presumption against development that would generate traffic, which would be detrimental to highway safety and/or the amenity of neighbouring occupiers.

*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:**

12. The Highways Authority

No objections raised, as access would be taken from the existing private yard with no resultant impact on the adopted highway.

### **INTERNAL CONSULTEE RESPONSES:**

13. Ecology

No objections raised to development.

14. Arboricultural Officer

It is conceded that the small cluster of trees (3no common sycamore and 1no common elder) within the immediate vicinity of the application site are likely to be lost as part of the development, however, no objection would be raised to their loss subject to the submission and subsequent implementation of a satisfactory scheme of re-planting.

### **PUBLIC RESPONSES:**

15. Four letters of representation have been received from various parties, including neighbouring residents, Crowtrees Heritage Group and Quarrington Hill Village Partnership, all objecting to the application. These comments are summarised as follows:

- loss of allotment land;
- detrimental impact upon appearance of village;
- unacceptable reclassification of land to facilitate the development;
- trees have been felled to facilitate the development;
- the existing storage area would be sacrificed to accommodate the proposed storage area;
- would set an unwelcome precedent;
- other applicants have been advised similar development in the Green Belt would not be viewed favourably;
- no consultation with Parish Council prior to agreement of conditional sale of land;
- the increase in the size of the site will do no more than increase the land area for Mr Holden.

In addition to the above, Coxhoe Parish Council have also objected to the proposed development. Their comments are summarised as follows:

- the application site is statutory allotment land;

- the Parish Council have expressed a wish to add area to existing allotments;
- will extend the industrial boundary;
- an unused provision of industrial land already exists in Quarrington Hill;
- concerned by the description of the land;
- question the merits of a photograph of an adjacent area of land.

#### **APPLICANTS STATEMENT:**

16. The applicant has confirmed the premises of W H Holden & Son presently operate as a storage and distribution facility for building and landscaping materials serving the trade and general public. The application site would form an additional storage area for materials. There would be no additional vehicles entering the site with access to the land obtained via the existing yard.
17. The applicant has also provided additional supporting information in the form of aerial photographs, which are thought to date circa 1984 and 1998 respectively. The former identifies the site prior to the allotments introduction wherein the application site appears to be utilised as a paddock, containing outbuildings (stables), a large haystack and manure heap. The applicant states the 1998 aerial photo illustrates the use of the land as a paddock.
18. The applicant goes on to question the “*waiting list*” for allotments referred to by the Parish Council, suggesting that a number of the allotments are presently vacant and since his family have occupied the site from which W H Holden & Son operate, the land which forms the application site has never been used as an allotment.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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19. 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 following represent the principal material planning considerations raised, namely;
  - Principle of Development;
  - Character and Appearance of Area;
  - Neighbouring Occupiers;
  - Natural Environment;
  - Highways; and
  - Other Issues.

Each of the above will be addressed in the order, which they are raised.

#### Principle of Development

20. The City of Durham Local Plan 2004 outlines the focus for the concentration of development, inclusive of most housing, business, retail development and community facilities, is within existing settlements. The application site is situated outside of the settlement boundary of Quarrington Hill. However, there are a number of permissible exceptions in policy terms where development outside settlement boundaries in the countryside may be considered acceptable.
21. Saved policy E7 of the Local Plan will only permit development outside settlement boundaries where the proposal accords with other relevant policies of the plan. The

relevant policies are named within the criteria to policy E7. The applicable policy in this instance is EMP16, wherein opportunities for development include:

*“the extension of an established industrial or business use”*;  
to which the current application falls under.

22. A Local Industrial Site is designated at Quarrington Hill, as recognised under policy EMP9, wherein industry (B1, B2 and B8) will be permitted provided that there is no significant detrimental effect on the environment or on the amenity of neighbouring premises. The established business premises form part of this area. Notwithstanding the concerns voiced by the Parish regarding an extension of the industrial boundary, the use of the land as an ancillary storage area to an existing light industrial operation of the premises may be permissible under saved policy EMP16.
23. In light of the above the principle of a change of use of the land to form an ancillary storage area is considered to be acceptable in policy terms.

#### Character and Appearance of Area

24. Saved policy EMP10 contains a number of key criteria, inclusive of the impact of development upon the character and appearance of an area.
25. The village of Quarrington Hill remains predominantly residential in character, with the focus of development to date having been concentrated around the two principal highways of Front Street and Church Street. Nevertheless an area of commercial/industrial activity has evolved to the north east of Front Street, wherein the Quarrington Hill Industrial Estate and other comparable commercial units have been established, inclusive of W H Holden & Son. The commercial/industrial character of the immediate area is further reinforced by the designation of land for employment allocation under the Local Plan.
24. The application site consists of a small pocket of land measuring 19.50m deep by 29.50m wide, located between the existing storage yard of W H Holden & Son to the south east and the allotments to the north west.
25. As noted above the application site is presently accessed from an unmade track, which runs north westwards before returning 90 degrees in a southwesterly direction around the rear of the existing storage yard. The access to this is heavily screened from Front Street South by mature trees and shrubs and similarly to the north by additional dense vegetation. In light of the private setting of the application site, the proximity to the existing storage yard of W H Holden & Son and other similar commercial/industrial units in the vicinity, it is considered that the application site makes no significant contribution to the character and appearance of the locality in terms of visual or amenity importance.
26. Notwithstanding the above it is acknowledged that the proposed palisade fencing would extend forward of the allotments towards the unmade track with the likely loss of a small number of common sycamores and a single common elder. The arboricultural officer has stated that these trees are collectively worthy of retention, however, it is clear that their removal is required to facilitate the development. Whilst it may be preferable to retain these trees, the arboricultural officer has also confirmed that they are not particularly good specimens. In light of the above, the retention of the trees is not considered to outweigh the benefits arising from the development, notably, the ability to help to secure the long term future of this established commercial operation. Furthermore the loss of the trees is also offset by the provision of a satisfactory replacement-planting scheme which would both soften the

visual impact, albeit limited, of the proposed fencing and to reinforce the woodland strip, which aligns the track.

27. Given the location in close proximity to established commercial/industrial activity; the private setting of the application site and the ability to reinforce the existing planting to the perimeter of the site as part of the development, the change of use of the land to form an ancillary storage area is not considered to be seriously detrimental to the character and appearance of the area with the added ability to secure adequate screening to the site and fencing by way of a condition. As such the proposal is considered to accord with criterion 2 of policy EMP10.

### Neighbouring Occupiers

28. Policy EMP10 places an emphasis upon a number of key criteria inclusive of the need to ensure that development does not have an adverse impact on the occupiers of nearby and adjoining premises.
29. As noted earlier the application site lies adjacent to the existing storage yard of W H Holden & Son to the south and the allotments to the north. The application site would form an additional storage area for materials, consistent with the existing established use of the premises, which has operated to date without any known disruption to or conflict with neighbouring occupiers and/or land owners. There is no evidence to suggest any such issues would arise from the continued use of the site as a storage and distribution operation.
30. The application site is largely secluded. The external storage area would remain set back from the highway, not readily visible within the landscape due to tree coverage and the existing land form. The site lies on the north western edge of the village, the optimum distance from the nearest residential properties of Front Street South (Aged Miners Homes). The development is deemed to be of a minor scale and as such it is considered that disruption to residents of Quarrington Hill would be minimal.
31. For the reasons outlined above the proposal is not considered to have an adverse impact on the occupiers of nearby and adjoining premises and thereby accords with criterion 1 of policy EMP10.

### Natural Environment

32. The land subject of this application is presently overgrown with common bramble and other vegetation. There appears to have been a tree removed in the past, which may have formerly been part of the linear feature of trees and associated hedgerows, which align the unmade access track to the north east, however, having viewed the site, the Landscape & Arboriculture Section were able to conclude from the age of the stump, the tree had not been felled recently.
33. There are three semi-mature common sycamore on the north east corner of the existing palisade fencing and a smaller common elder with open access into the paddock. Thereafter the linear tree line continues along the northern boundary of the allotments to the west. The aforementioned sycamores and single elder may be lost to facilitate the erection of the fencing. Whilst the trees have a positive quality as a group, their removal for the new fencing would not represent a substantial loss of visual amenity, given the private setting and limited views into the site. However, a scheme of replanting of other smaller tree species and hedging could be implemented to offset their loss and provide a screen to the proposed fencing. It should be a condition of any forthcoming grant of planning permission that a

landscaping scheme indicating replanting of trees within the site is submitted to the local planning authority prior to the commencement of the development.

34. It is considered that the development would not be significantly detrimental to tree coverage within the site or its vicinity subject to the submission and approval of a satisfactory replanting scheme. This would serve to add greater definition to the linear feature of trees to the benefit of the natural environment, in accordance with policy E14 of the Local Plan and section 11 of the NPPF.

### Highways

35. The Highways Authority has been consulted and raises no objections to the scheme. The applicant is taking the access point from the existing private yard and as a consequence the proposals will not have an impact on the adopted highway. The existing access/exit point to the north east and associated manoeuvring space would remain unaffected by the proposal. The proposed development is therefore considered to accord with policy T1 of the Local Plan.

### Other Issues

36. A number of additional issues have been raised, as outlined under paragraph 15, during the consultation exercise.
37. Concern has been expressed regarding the description of the application with particular regard to the use of the term "paddock". Upon receipt of the application submission the description of the works was as follows:

"To erect a 2.50m high palisade fence to correspond with fence already on site. Change of use from overgrown paddock to storage for second hand paving stones and gravel and light industrial use".
38. Planning Officers are able to amend an application description if it is considered that it does not accurately describe the development. In this instance the description was amended to ensure it appeared clear and concise. In planning terms there was no history directly attributed to the application site and no evidence available to suggest the description as "*a paddock*" was incorrect or misleading.
39. The Parish Council have also questioned the use of a photograph received on 31<sup>st</sup> August 2012, which they state may be taken to be the site itself. The purpose of the photograph was to form a supporting document, providing an example of the type of fencing proposed. The fencing captured within the photograph is steel palisade fencing as proposed in this instance.
40. In response to the alleged re-classification of the land, the proposals map to the City of Durham Local Plan, 2004, identifies the application site as being situated outside of the designated settlement boundary of Quarrington Hill, in a non-designated area. The status of the site has not been reallocated or redefined since the plan was adopted in 2004. Whilst the comments raised regarding the alleged status of the application site as statutory allotment land are acknowledged, there is no planning record relating directly to this land to substantiate this claim. Notwithstanding the above, officers can confirm that the Councils Corporate Resources team have provided a definitive response confirming that the land was never acquired for use as municipal allotments nor is there any information in the deed packet to suggest the land was appropriated for such use. Therefore, the application site and the land currently let to the Parish for allotment garden use are not considered to be Statutory Allotment Land.

41. Reference has also been made to the application site being located within the designated Green Belt. However, as confirmed above this is incorrect. The land does not fall within the designated Green Belt. The application site is situated in a non-designated area, wherein there are a number of permissible exceptions in policy terms where development outside of the settlement boundaries in the countryside may be considered acceptable.
42. The Parish have also expressed concern as to the unused provision of industrial land within Quarrington Hill. Whilst industrial land may remain available in the locality, the application under consideration must be assessed on its merits and determined accordingly.
43. The increase in the land available to the applicant and potential loss of an existing storage area to facilitate the land acquired under this application is a commercial decision for the applicant and cannot be judged in planning terms.
44. Finally, it has been stated that the Parish Council were not consulted on the sale of the land, to which it is understood a conditional sale has now been agreed. The sale of the land is not a material planning consideration and cannot be given due consideration in the assessment of this application. Notwithstanding the above, the County Council (Asset Management) do not have a statutory obligation to consult the Parish on the sale of council owned land, however, it is understood Asset Management have now entered into discussions with the Parish Council regarding the sale of the site and any interest the Parish may have in the land.

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## **CONCLUSION**

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45. The proposed development has been considered against the above saved policies of the City of Durham Local Plan, 2004 and the National Planning Policy Framework, 2012. The proposal, by virtue of its intended use, supporting an established commercial operation, its modest scale and secluded location, adjacent to the existing premises, is considered to represent a satisfactory form of development, appropriate to the site and its context, having no significant detrimental impact upon the character and appearance of the locality or the occupiers of nearby or adjoining premises, with no resultant impact upon highway safety.
46. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval subject to the conditions outlined below inclusive of the submission and approval of a satisfactory scheme of replanting to offset the loss of existing vegetation and provide a screen to the proposed fencing.

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## **RECOMMENDATION**

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That the application 4/12/00762/FPA 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 92 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 only in accordance with the approved plans (site location plan received on 9<sup>th</sup> August 2012; site layout plan received on 31<sup>st</sup> August 2012 and photograph of example of proposed fencing received on 31<sup>st</sup> August 2012), supporting statement and conditions hereby imposed.

Reason - To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E7 and EMP16 of the City of Durham Local Plan, 2004.

3. Prior to the commencement of the development hereby approved a scheme of landscaping shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall provide and detail for: -
- The planting of trees and/or shrubs (including species, sizes, numbers and densities) to reinforce the north east and north west boundary of the site,

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 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity, in accordance with the provisions of policies E7, E14, EMP9 and EMP16 of the City of Durham Local Plan, 2004 and section 7 and 11 of the National Planning Policy Framework, 2012.


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## **REASONS FOR THE RECOMMENDATION**

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47. The proposed development has been assessed against saved policies E7, E14, EMP9, EMP10, EMP16 and T1 of the City of Durham Local Plan, 2004, section 7 and 11 of the National Planning Policy Framework, 2012, and all relevant material planning considerations. The proposals are considered to be acceptable having regard to the location of the development in relation to the existing premises and its surroundings, resulting in no impact upon highway safety and no significant detrimental impact upon the character and appearance of the locality or the amenity and privacy of adjacent and nearby land users.



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing</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>Comments</b></p>	
	<p><b>Date</b> 29<sup>th</sup> November 2012</p>	<p><b>Scale</b></p>

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00791/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 3 no. two storey terraced dwellings
<b>NAME OF APPLICANT:</b>	Mr Paul Copeland
<b>ADDRESS:</b>	Land Between 24 and 25 The Avenue Durham DH1 4ED
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<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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### SITE

1. The application site is a 473m<sup>2</sup> parcel of land which sits between 24 and 25 The Avenue, within the Durham (City Centre) Conservation Area. The land is garden space associated with 24 The Avenue which sits immediately to the north east and which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west, this being particularly pronounced at the front and rear of the site where the land drops sharply from The Avenue towards the rear of the site where the garden then drops steeply to the rear lane. Site clearance has recently taken place at the site, with tree works taking place in relation to the previous approval. Archaeological investigation has also recently been carried out at the site.

2. In wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. Trees would be maintained to the northwest corner.

### PROPOSAL

3. The application proposes the erection of 3 properties, each providing 9 bedrooms, with the proposed dwellings constituting Houses in Multiple Occupation in planning terms. Externally, the scheme proposed is the same as the one which was granted planning approval at the site in 2009, with the exception of upvc windows which are proposed to the rear elevations of the properties. That application originally showed 4 labelled bedrooms, with 2 reception rooms, which Officers acknowledged could be used as bedrooms, potentially taking total bedrooms to 6.

4. This application proposes to provide 9 bedrooms within each dwelling. This would be achieved by internal changes at ground and first floor level. At ground floor level, two reception rooms would each be utilised as bedrooms. A bedroom would be placed where a bathroom was proposed with a relocated bathroom and two ensuite bathrooms provided. 4

bedrooms would be provided at first floor level, which would be achieved by sub dividing the front bedroom, borrowing hall space, enlarging and utilising bathroom space and relocating the bathroom with the provision of en suites. The attic floor plans remain unchanged where the provision of two bedrooms is proposed.

5. The dwellings would appear modest in scale from the front elevation, but greater from the rear elevation, taking advantage of the drop in land levels to offer basement accommodation. Living space would also be provided in the attic with light being provided through dormer and velux style windows.

6. From the front south east facing elevation, the properties would measure 7m to eaves level and 10.4m in height to the ridgeline. Bay windows would be provided at street and basement level. Small velux style windows would be fitted to the front roof slopes.

7. From the North West facing rear elevation the properties would appear greater in mass. They would measure 10m to eaves level and 13.3m in height to the ridgeline. Rear off shots would be incorporated at basement, ground and first floor levels. These would measure 3.5m in width and 2.6m in projection. Basement level storage rooms would also be incorporated to all but the middle property which would measure 2m in projection and 2.5m in width. 1 velux style window would be incorporated to each main rear roof slope on the properties.

8. This scheme is being reported to the Planning Committee at the request of Councillor Martin who suggests that there is arguably an excess of student rented properties in this Conservation Area setting that are undermining the amenity of other residents. Councillor Martin suggests that the proposals are an attempt to build Houses in Multiple Occupation under the guise of family accommodation and notes that the accommodation levels are increased from those originally proposed.

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## **PLANNING HISTORY**

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9. Planning permission for the development of three dwellings with a maximum of 6 bedrooms each was granted in 2009. Applications have been approved in 2010 and 2012 to discharge conditions associated with the original permission. An application is currently pending consideration for an extension of time to implement the original 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 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.

14. *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**

15. *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.

16. 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. 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:

17. **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.

18. **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.

19. **Policy 24 (Delivering Sustainable Communities)** refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

20. **Policy 32 (Historic Environment)** stipulates that planning proposals should seek to conserve and enhance the historic environment.

21. **Policy 54 (Parking and Travel Plans)** seeks to apply guidance set out in national planning policy on residential parking standards, reflecting local circumstances.

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

22. **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.

23. **Policy E14 (Trees and Hedgerows)** requires development proposals to retain individual and important groups of trees where appropriate.

24. **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.

25. **Policy E24 (Scheduled Ancient Monuments and Archaeological Remains)** requires that in areas of archaeological interest appropriate conditions are in place to ensure an appropriate programme of investigation takes place.

26. **Policy H2 (New Housing in Durham City)** requires that new housing is in keeping with the traditional character and setting of the City.

27. **Policy H9 (Multiple Occupation/Student Households)** seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

28. **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.

29. **Policy H16 (Residential Institutions and Student Halls of Residence)** relates to the appropriateness or otherwise of such developments.

30. **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

31. **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.

32. **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.

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 that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **CONSULTEE RESPONSES:**

35. Councillor Martin has expressed his concern in relation to the development.

36. Roberta Blackman Woods, MP for the City of Durham has expressed her opposition to the proposed development. This opposition is put forward on the basis that the granting of this application would see around 60 student beds in a very short stretch of the street. Concerns are expressed over parking issues in and around the site. The lack of on site management for the dwellings causes concern. It is suggested that the application would contravene the aims of the national planning policy framework which aims to create 'sustainable, inclusive and mixed communities' and that family housing would be much more appropriate to the site. Opposition is raised to the proposed inclusion of upvc windows to the rear elevation of the properties. Concerns are raised that the properties would not provide a good level of amenity to the future occupiers of the buildings. It is suggested that the application would be contrary to Policy H13 of the City of Durham Local Plan. It is stated that the application would be in direct contravention of Policy 18 of the County Durham Plan, preferred options. It is suggested that refuse arrangements would be inadequate for the dwellings and that litter issues relating to the site would be more problematic than those existing residents currently experience.

37. The Police Architectural Liaison Officer has objected to the application as he considers that the development of student accommodation in this location would adversely affect the amenity of existing residents. Durham Constabulary consider that the application would contravene the National Planning Policy Framework which suggests that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and suggests that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

38. Northumbrian Water has considered the application in the context of their ability to accommodate and treat the anticipated flows from the development. They have no comments to make on the application at this stage.

### **INTERNAL CONSULTEE RESPONSES:**

39. Planning Policy have objected to the application on the basis that they consider the proposal will have a significant impact of the local area given that it would significantly increase the concentration of houses in multiple occupation in the street. Policy Officers consider that the application raises concerns in relation to Policies H9 and H16 of the City of Durham Local Plan, although these Policies relate to the sub division of houses or flats to HMOs and also to residential institutions and student halls of residence. Officers do not consider these policies highly relevant to the determination of this application, but consider that they should be given a degree of weight. Policy Officers consider that the principle of the development of the site may be acceptable as the site could be considered sustainable in line with the National Planning Policy Framework despite representing a departure from City of Durham Local Plan Policy H2. Policy Officers have raised concerns in relation to the application in terms of Policy H13 of the City of Durham Local Plan.

40. Pollution control wishes to be informed of details of the building programme. They state that a suitable scheme to mitigate dust and noise emissions from the development will be required. They suggest that working hours should be limited on the site and seek to ensure best practice to reduce noise and emissions from plant and machinery.

41. Environmental Health has made observations relating to requirements for shared student housing.

42. Ecology has raised no objection to the application stating that trees on site are unlikely to host bat roosting opportunities.

43. Landscape and Trees Officers do not offer any objection to the application.

44. Design and Historic Environment have raised no objection to the application and they consider that the proposals would preserve the character and appearance of the Conservation Area. They consider that the benefits of pursuing a high quality design scheme at the site would outweigh the slight impact that the use of UPVC to the rear would have as they consider that the rear of the properties would be less sensitive in terms of the character and appearance of the Conservation Area.

#### **STATUTORY RESPONSES:**

45. Highways development management has offered no objection to the application but have stated that the new development would not be eligible for any on street parking permits.

#### **PUBLIC RESPONSES:**

46. The City of Durham Trust has expressed concern in relation to the development. The Trust considers that the amount of bedroom accommodation proposed would be excessive in comparison to the amount of minimal amenity space proposed. The trust questions whether it would be appropriate to place 27 students onto the street.

47. 23 Letters of public objection have been received, including a representation from the Crossgate Community Partnership. A large feeling of concern amongst objectors comes from the basis that the dwellings are not proposed as, and could not be converted to be family accommodation. Objectors feel that further student accommodation would serve to drive permanent residents away from living in the city centre. Residents feel that the site should be utilised for family housing.

48. Contributors fear that this application would tip the balance in the street from a mixed area to one dominated by student properties. It is feared this development would clear the way for further development of student properties in a domino effect. Objectors point to student accommodation that is being planned elsewhere on a larger scale and that there may be a surplus of requirement for student lets. Objectors consider that student dwellings should be mixed in with other types of housing and should not predominate one particular area.

49. Contributors have concerns over the density of the proposed internal accommodation and the limited internal amenity space that is proposed. Objectors note that it would be difficult to convert the dwellings to more traditional family style accommodation. It has been observed that the dwellings would resemble halls of residence rather than dwellings.

50. Infringement of the amenities to permanent residents is a primary concern. Objectors have concerns surrounding late night noise and disturbance, anti social behaviour, excess rubbish and problems in relation to vermin. Fears are raised surrounding a possible increase in petty crime associated with the dwellings. There is a fear that an increased burden would be put on Durham Police. There are concerns that arrangements for the removal of waste would not be appropriate. Concerns are expressed that the properties would be vacant for large periods of the year. There is concern that the properties would be poorly maintained, detracting from the appearance of the area.



51. Many objectors are frustrated that council tax revenue would not be generated from the dwellings in student use. Objectors consider the application contrary to Policy 18 of The County Durham emerging plan and policies H13 and E6 of the City of Durham Local Plan.

52. Objections are put forward on the basis that the dwellings would not complement the character of the surroundings and that the development would lead to a reduction of Green Space within the City. Concerns are expressed that views will be impacted on in and around The Avenue. Objections are expressed over the use of UPVC windows to the rear of the properties.

#### **APPLICANTS STATEMENT:**

53. The principle of the development of this site for residential use has been established through the granting of consent 09/00756 on 16th December 2009 and the subsequent approval of the conditions attached to this consent. This application retains the physical appearance and scale of the approved scheme with no increase in footprint or height to the approved building. The front elevation remains the same and only minor alterations to window positions occur to the rear elevation. There is an increase in the number of proposed bedrooms within the building and this increase required approval through the planning process. The proposed use of the building does not remove existing residential houses from the wider public market as none currently exist on the site. The site adjoins an existing student residence to one side so the direct impact of students on immediate neighbours is restricted. The wider area around The Avenue and May Street is popular with students and houses many student residences to which the proposal would contribute. The applicants have been landlords for many years and are an established company with a good reputation for providing quality houses to rent. At present the rental market favours students but this would not exclude others in the rented sector if market conditions change. It is recommended that this high quality development is approved for the amended floor plan layout to accommodate additional bedrooms, subject to the necessary conditions to regulate its construction and use.

54. The owners personally manage all of their student properties and do not hand the properties over to a third party (i.e. lettings agents) to manage, therefore personally keeping control of any issues and managing the properties to a very high standard in keeping with the values of the Durham University accommodation department's code of practice.

*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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55. 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 impact of the proposed scheme on the character and appearance of the Durham City Centre Conservation Area, the layout and design of the proposed development, potential impacts upon the residential area and Highways Issues.

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

56. The site proposed for development is garden land which is associated with the adjacent 24 The Avenue, to the north east. The site appears never to have been developed and sits as a gap in the long terrace of properties which works its way up The Avenue. The site has recently been cleared in association with pre commencement works in relation to the previous approval at the site. No Archaeological interest has been found at the site following a completed scheme of investigation.

57. The site is not considered to represent previously developed land as it comprises of a private residential garden in policy terms in line with the National Planning Policy Framework.

58. Policy H2 of the City of Durham Local Plan seeks to direct new residential development to previously developed land and conversions, therefore this application represents a departure from Policy H2 of the City of Durham Local Plan.

59. The National Planning Policy Framework encourages building on brownfield sites and discourages building on gardens by encouraging the effective use of land through reusing land that has been previously developed. However, the matter does need to be given careful consideration and at paragraph 55, the National Planning Policy Framework states Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Officers consider that the change in definition of garden land was designed to mitigate against potential harm.

60. The site does not appear to represent a garden in its traditional sense. It has direct frontage to the Avenue and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue. The site has more of the appearance of an undeveloped plot of land rather than a residential garden.

61. The NPPF puts forward strongly a 'presumption in favour of sustainable development'. Officers consider that the development site would be sustainable due to its proximity to Durham City Centre. Officers also consider the site to be sustainable as through being a gap site, it does not make a significant visual contribution to the character of the Avenue, whose character, particularly to the north east side of the street is drawn from sweeping terraced dwellings. On balance, Officers consider this a sustainable site for development by reason of its character and by reason of its central in settlement location. Officers do not consider that the principle of the development of this site would represent inappropriate development which would harm the local area.

### **The character and appearance of the Conservation Area**

62. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials. Policy E14 requires that important trees should be retained on site. These have been key considerations during consideration of this application.

63. The National Planning Policy Framework at Part 12 requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Durham City Centre Conservation Area.

64. The site represents a break in the built form of The Avenue which has always been in existence. However, the infilling of the site with a development that reflects the style, scale and pattern of development within the surrounding area is considered acceptable.

65. The style and detailing of the proposed development reflects that of the surrounding terraced properties. The nature of The Avenue is of stepped properties due to the changing ground level although the street flattens out briefly in front of the application site. The ridgeline would be set down against no. 24 The Avenue and would match that at no. 25.

66. To the front and rear roof slopes, proposed dormer windows reflect the style and appearance of those within the surrounding street scene and as such would be considered appropriate. Similarly, a velux style window to the front and rear of each property would be an appropriate addition, which would punctuate the roof slopes and would be conditioned to be conservation in style.

67. The rear elevation of the dwellings exhibits simple and robust shapes. The elevation would be broken up by the presence of a three storey extension to each property with a bin store at ground floor level to all but the middle property. This serves further to break up the large elevation while the punctuation of the elevation with the rear elements and the retention of a strong vertical emphasis within the fenestration pattern are considered appropriate. The stepped nature of the projecting extensions reflects a traditional form of development to the rear of terraced properties.

68. The materials which are proposed would serve further to make the development appropriate to its Conservation Area setting. The proposed use of natural stone heads and cills, natural slate and timber framed windows is considered appropriate. Projecting eaves courses with dog tooth detailing and chimneys of typical Victorian proportions serve further to suggest a high quality design.

69. The trees on the site undoubtedly contribute to the character of the immediate locality and Conservation Area. Various trees have been removed at the site in line with the original consent. An Ash tree sits to the rear of 25 The Avenue, while a Swedish Whitebeam and Ash tree sit within the development site. These trees are to be retained with sympathetic crown reductions. An arboricultural implications assessment with tree protection measures has been submitted at the site and is deemed appropriate, landscape Officers offering no objection to the application. Maintaining and protecting these trees to the rear of the site would contribute towards preserving the character of the Conservation Area.

70. A retaining wall would be incorporated, but would be outside of the root protection area of the maintained trees. In the root protection area the boundary treatment between the properties would be close boarded timber fence. The rear wall would be brick, built on top of that existing. All boundary treatment would measure 1.8m in height. A simple landscaping scheme is proposed to the rear with random flagged, block paved, gravel and grass surfaces.

71. Officers consider that the appearance of the properties would rationalise the site and improve the aesthetics of the immediate area. The site itself is not prominent in longer views from surrounding viewpoints. The properties would also not seriously restrict views to the north and west and would not have a significant impact upon the outlook of properties on the opposite side of the road which sit on an elevated position above.

72. Officers consider that the benefits of pursuing a high quality design scheme at the site would outweigh the slight impact that the use of UPVC windows to the rear would have as the rear of the properties is considered to be less sensitive in terms of the character and appearance of the Conservation Area.

73. Officers consider that the appearance of the development would preserve the character of the Conservation Area, while reflecting an appropriate standard of design and materials in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act, Part 12 of the National Planning Policy Framework, Policy 32 of the Regional Spatial Strategy and Policies E6 and E22 of the City of Durham Local Plan.

### **The layout and design of the proposed development**

74. The external appearance of the development is proposed to remain unchanged from the previous approval.

75. Policy Q8 requires that new residential development should be appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate amenity space and privacy should be afforded to each dwelling and outlines appropriate separation distances between properties.

76. There are habitable room windows and an entrance door to the southwest facing elevation of 24 The Avenue which overlooks the application site. This property is within the control of the applicant and it is proposed to block up the windows which serve two bedrooms and a bathroom and internal alterations would see the bedrooms served by down lighting from the front of the property in a similar manner in which the lounge on the north east side of this property is served with light. The entrance door would remain and would be accessed from a passageway beneath the proposed north east dwelling. If planning permission is granted for the current proposal, these works, the principles of which have been agreed through an earlier discharge of conditions application, would need to be required by way of a Grampian Condition as set out under circular 11/95 relating to a requirement for off site works.

77. It is acknowledged that there would be a reduction in amenity space to the occupants of the flats at number 24. However the site has now been cleared in association with pre commencement works, while such a large garden area would be in excess of the amenity space offering of most properties of this type.

78. Policy Q8 requires separation distances of 21m between habitable room windows. This distance would be easily achieved to properties opposite on The Avenue and would also comfortably be achieved in relation to properties on Hawthorn Terrace, to the rear. There is residential accommodation above the rear garage associated with 24 Hawthorn Terrace which would sit closely to the proposed north east dwelling. However, this accommodation is conditioned to be non-habitable and taking into account these factors, it is considered that the proposed positioning of the properties would not infringe the residential amenity of neighbouring occupiers in accordance with policy Q8 of the Local Plan.

79. On balance, officers consider that the physical appearance and positioning of the properties would be appropriate in terms of Policy Q8. The proposed development would allow adequate separation distances between properties which would ensure privacy and prevent overlooking, while the dwellings would be suitable in scale, form, density and materials to their surrounds.

### **Highways Issues**

80. Policy T1 requires that new development should not be detrimental to highway safety or generate traffic which would have a significant effect on the amenity of occupiers of neighbouring property. Policy T10 states that Vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land take of development.

81. Since the original planning approval at the site, changes have been made in regard to the issuing of parking permits. The dwellings would now not be eligible for any parking permits; therefore vehicular parking would be limited to that provided within the curtilage of the dwellings at a level of two spaces for the three dwellings. Officers consider it unlikely that any significant additional vehicular movements or parking would be associated with the dwellings as the street has permit parking only or time limited meter parking.

82. Highways Development Management has offered no objection in relation to the application and Officers consider that the development would be appropriate in terms of Policies T1 and T10.

### **The impact upon the residential area**

83. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

84. Policy H9 of the City of Durham Local Plan relates to the sub division of houses for flats, bedsits, multiple occupation or proposals to alter or extend properties already in such use. It states that this would be appropriate provided that adequate parking, privacy and amenity areas are provided or are in existence; it would not adversely affect the amenities of nearby residents; it would be in scale and character with its surroundings; and it would not result in a concentration of sub divided dwellings to the detriment of the range and variety of the local housing stock. Policy H16 is concerned with residential institutions. It requires that residential institutions should provide satisfactory standards of amenity and open space for residents and states that such uses should not detract from the character or appearance of the surroundings or from the amenities of existing residents. Although not directly relating to new build, Officers feel that these policies are partly relevant and consider that they can be given a degree of weight.

85. The National Planning Policy Framework states that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and states that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

86. Policy 18 of the County Durham Plan preferred options states that in order to protect the amenity of people living and working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity, by way of noise, overlooking, privacy, vibration, odour, dust, fumes/emissions, light pollution and loss of light, and visual intrusion. This plan is however at a very early stage, and Officers consider that this Policy can be given only limited weight.

87. Officers understand that there are around 22 properties in The Avenue which are licensable HMO's under the Housing Act 2004 and that there are approximately a further 11 properties in The Avenue which are occupied by students but do not need to be licensed. There are a number of sub divided properties in the immediate area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009.

88. The Council is currently considering a longer term strategy in relation to Houses in Multiple Occupation within Durham City and the matter is still under review. At present there is no clear and direct planning policy to define the amount of shared houses, small houses in multiple occupation or larger, sui generis houses in multiple occupation that would be acceptable in any particular area.

89. However, concerns over the habitation of the properties by students are noted. It is acknowledged that students may have different lifestyles to many other residents on the street. Officers are aware that by reason of a possible increase in student beds the concern of residents over an increase in alcohol related anti-social behaviour is prevalent.

90. Officers are concerned that the internal works and sub division to the properties would mean that it would be highly unlikely that these dwellings could practicably be converted back to family use. Officers consider this key, as the reversibility of the originally approved scheme was seen as paramount in making a recommendation of approval on the application in 2009.

91. Officers consider that the development of three 9 bedroom dwellings has the potential to have a significant adverse effect on the character or appearance of the residential area and the amenities of residents within it. Accommodation of the density proposed in this mixed area could cause increased incidence of disturbances which are sometimes associated with high concentrations of sub divided accommodation. The development could serve to increase fear of crime and anti social behaviour for residents in the area.

92. As a consequence of the high level of sub division, internal amenity space would be limited at the dwellings in relation to the number of occupants that the properties would accommodate. Many of the bedrooms have been reduced in size from the original proposal and the communal living space available to residents would be fairly limited. Policy H9 seeks to ensure that adequate amenity space would be provided. Policy Q8 also seeks adequate amenity for dwellings.

93. Officers consider that the provision of this number of bedrooms in such density would be problematic. The proposals would see 58 beds provided across 6 houses between 24 The Avenue and 26 The Avenue, a level which Officers consider too intense. The provision of 9 bedrooms compared to 6 would represent a 50% increase in accommodation per dwelling, an increase that Officers consider significant both in terms of the community perception of the development and in relation to potential disturbance.

94. Officers consider that the resultant density of accommodation proposed in this part of The Avenue would contravene the aims of the National Planning Policy Framework which aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

95. Officers consider that this proposal would represent a level of development which would have a significant adverse effect on the character of the residential area, and the amenities of residents within it.

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## **CONCLUSION**

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96. Officers are able to accept the principle of the development of the site and consider that a departure from City of Durham Local Plan Policy H2 would be acceptable. The development would also be considered acceptable in terms of the impact upon the Conservation Area and in terms of the scale and external design.

97. However, the proposal along with planning approvals previously granted, would see 58 bedrooms for Multiple Occupation accommodation provided across 6 houses between 24 The Avenue and 26 The Avenue which is only a short stretch of the street. The provision of 9 bedrooms in comparison to 6 would represent a 50% increase in accommodation per dwelling, an increase that Officers consider significant both in terms of the communities perception of the development and in relation to potential disturbance. Officers consider

that this represents a significant difference between the two proposals for this site, in terms of their acceptability.

98. The properties proposed would exhibit an intense level of sub division which would make it unlikely that these dwellings would ever be able to be used as family residences without substantial reconfiguration. The level of reversibility was seen as a key reason for recommending approval of the original scheme.

99. The National Planning Policy Framework states that planning decisions should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and suggests that planning decisions should address the connections between people and places and the integration of new developments into the natural, built and historic environment.

100. Policy H13 of the City of Durham Local Plan 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.

101. Officers consider that this proposal would contravene the National Planning Policy Framework at Paragraphs 58 and 61 and would contravene Policies H13 and Q8 of the City of Durham Local Plan 2004.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reason;

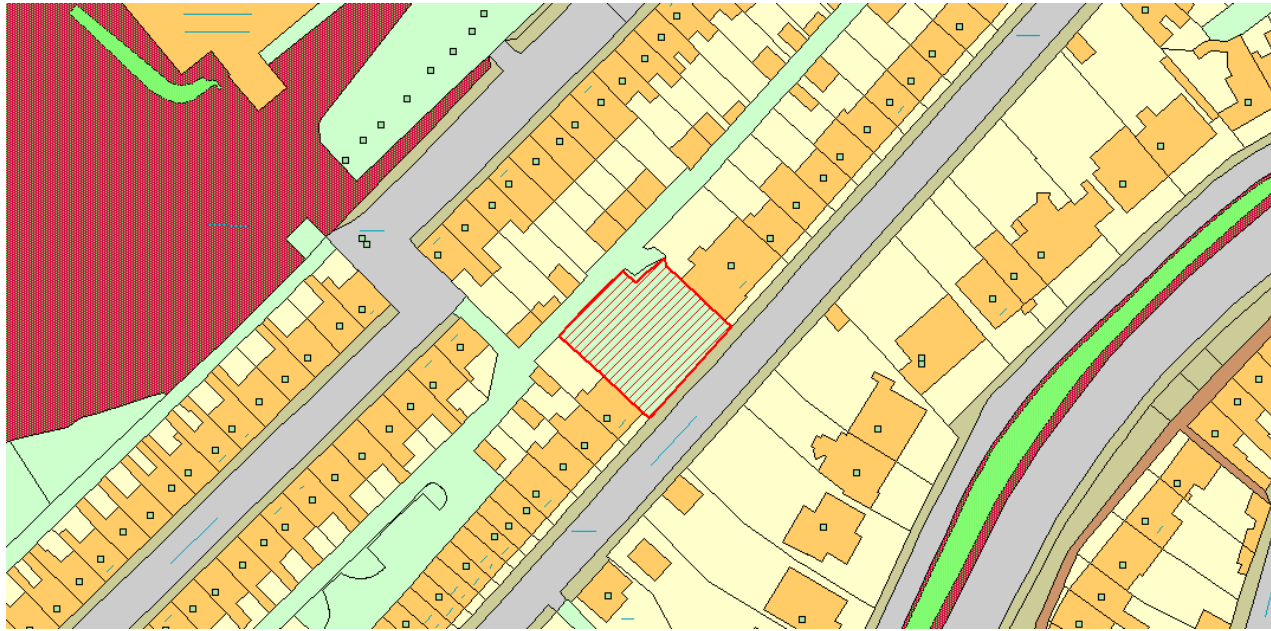
1. The proposal would result in an intensive level of multiple occupancy that would adversely affect the amenities of adjacent and nearby occupiers in terms of noise and disturbance and fear of crime, and would provide unsatisfactory standards of living accommodation for the occupants of the properties, particularly with regards to internal and external amenity space. As such the proposal would be contrary to Policies H13 and Q8 of the City of Durham Local Plan and Paragraphs 58 and 61 of Part 7 of the National Planning Policy Framework.

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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 2004  
Response from MP  
Response from Councillor Martin  
Responses from City of Durham Trust  
Response from Crossgate Community Partnership  
Response from Objectors  
Response from Police Architectural Liaison Officer  
Response from Planning Policy  
Response from Northumbrian Water  
Response from Ecology  
Response from Design and Historic Environment  
Response from Highways Development Management  
Response from Pollution Control



**Planning Services**

Erection of 3 no. two storey terraced dwellings

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**Date 11<sup>th</sup> December 2012**



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00936/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed extension of time limit for implementation of 09/00756 for three terraced dwellings.
<b>NAME OF APPLICANT:</b>	Mr Paul Copeland
<b>ADDRESS:</b>	Land Between 24 and 25 The Avenue Durham DH1 4ED
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<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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### SITE

1. The application site is a 473m<sup>2</sup> parcel of land which sits between 24 and 25 The Avenue, within the Durham (City Centre) Conservation Area. The land is garden space associated with 24 The Avenue which sits immediately to the north east and which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west, this being particularly pronounced at the front and rear of the site where the land drops sharply from The Avenue towards the rear of the site where the garden then drops steeply to the rear lane. Site clearance has recently taken place at the site, with tree works taking place in relation to the previous approval. Archaeological investigation has also recently been carried out.

2. In wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. Trees would be maintained to the northwest corner.

### PROPOSAL

3. The application seeks an extension of time limit for the implementation of a previously approved scheme at the site. This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. The previous application was for the same development and was approved by Planning Committee in 2009. In relation to this type of application, guidance states that local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.

4. The application proposes the erection of 3 no. two storey terraced dwellings with basement and attic accommodation. The dwellings would appear modest in scale from the front elevation, but greater from the rear elevation, taking advantage of the drop in land levels to offer basement accommodation. Living space would also be provided in the attic with light being provided through dormer and velux style windows.

5. From the front south east facing elevation, the properties would measure 7m to eaves level and 10.4m in height to the ridgeline. Bay windows would be provided at street and basement level. Small velux style windows would be fitted to the front roof slopes.

6. From the North West facing rear elevation the properties would appear greater in mass. They would measure 10m to eaves level and 13.3m in height to the ridgeline. Rear off shots would be incorporated at basement, ground and first floor levels. These would measure 3.5m in width and 2.6m in projection. Basement level storage rooms would also be incorporated to all but the middle property which would measure 2m in projection and 2.5m in width. 1 velux style window would be incorporated to each main rear roof slope on the properties.

7. This scheme is being reported to the Planning Committee at the request of County Councillor Holland as he has suggested that the application is unwelcome amongst the community and that circumstances may have changed over time.

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## **PLANNING HISTORY**

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8. Planning permission for the development of three dwellings with a maximum of 6 bedrooms each was granted in 2009. Applications have been approved in 2010 and 2012 to discharge conditions associated with the original permission. An application is currently pending consideration for the provision of three properties each with 9 bedrooms on the same site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. 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.

10. 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’

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

12. *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.

13. *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

14. *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.

15. 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. 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:

16. **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.

17. **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.

18. **Policy 24 (Delivering Sustainable Communities)** refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

19. **Policy 32 (Historic Environment)** stipulates that planning proposals should seek to conserve and enhance the historic environment.

20. **Policy 54 (Parking and Travel Plans)** seeks to apply guidance set out in national planning policy on residential parking standards, reflecting local circumstances.

## LOCAL PLAN POLICY:

21. **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.

22. **Policy E14 (Trees and Hedgerows)** requires development proposals to retain individual and important groups of trees where appropriate.

23. **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.
24. **Policy E24 (Scheduled Ancient Monuments and Archaeological Remains)** requires that in areas of archaeological interest appropriate conditions are in place to ensure an appropriate programme of investigation takes place.
25. **Policy H2 (New Housing in Durham City)** requires that new housing is in keeping with the traditional character and setting of the City.
26. **Policy H9 (Multiple Occupation/Student Households)** seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.
27. **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.
28. **Policy H16 (Residential Institutions and Student Halls of Residence)** relates to the appropriateness or otherwise of such developments.
29. **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
30. **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.
31. **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.
32. **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.
33. **Policy U8A (Disposal of Foul and Surface Water)** requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **CONSULTEE RESPONSES:**

34. Councillor Holland has outlined concern in relation to the application due to potential change in circumstances as time has passed and also outlined the concern of the local community.

35. The Police Architectural Liaison Officer has objected to extension of the original application as he considers that circumstances may have changed within The Avenue and that the development of student accommodation in this location would adversely affect the amenity of existing residents.

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

36. Planning Policy have objected to the application on the basis that they consider the proposal will have a significant impact on the local area given that it would significantly increase the concentration of houses in multiple occupation in the street. Policy Officers consider that the application raises concerns in relation to Policies H9, H13 and H16 of the City of Durham Local Plan.

37. These Policies relate to the sub division of houses or flats to HMOs and also to residential institutions and student halls of residence and Officers have given these consideration. However, Officers do not consider that these objections can be given substantial weight as the Policies were in place in 2009 and there has been no significant change in Policy in this respect. This will be considered in more detail later in this report.

38. Policy Officers consider the principle of the development of the site could be acceptable in line with the National Planning Policy Framework despite representing a departure from City of Durham Local Plan Policy H2.

#### **PUBLIC RESPONSES:**

39. The City of Durham Trust has offered an objection to the application on the basis that the site no longer constitutes previously developed land. The trust considers that the addition of 18 student rooms within the street would be counter productive to the attempt to maintain a balanced community. Letters of objection in relation to the development have been received which outline various concerns. Objectors are concerned about the addition of 18 student bedrooms to the street and are concerned about the state of maintenance of the dwellings. Objectors state that the number of students living within The Avenue has increased since the approval of the previous application with associated problems such as late night noise, increased demand for car parking and problems with refuse collection. Objectors state that the application is no longer compliant with the City of Durham Local Plan. Objectors consider that it would be unlikely that the dwellings could ever be used as residential dwellings if they were let to students. They also state that the application would have a significant adverse effect upon the character of the Avenue and its amenities. Concern has been expressed that the land has been neglected in recent years and used to dump unwanted goods.

#### **APPLICANTS STATEMENT:**

40. The proposed development has been approved since 2009. Since this time much off site work has been undertaken on archaeology, site investigation, structural design work and discharging planning conditions attached to the consent. This demonstrates the applicant's commitment to the site. In addition the current financial climate has made funding for large scale construction projects difficult to obtain.

41. The extension of time seeks to allow an additional 3 years for the developer to undertake the scheme on site to continue the works already commenced in site preparation and project design. This will allow the construction of the foundation structure to continue in the New Year as planned. It is recommended that the application be approved and that a further three years be granted to commence construction on site.

42. The owners personally manage all of their student properties and do not hand the properties over to a third party (i.e. lettings agents) to manage, therefore personally keeping control of any issues and managing the properties to a very high standard in keeping with the values of the Durham University accommodation departments code of practice.

*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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43. 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 whether or not there has been any significant change in development plan policies or other material considerations that would enable Officers to come to a different recommendation since the original approval was granted.

44. Officers have assessed any Policy changes in relation to the principle of development of the site, the impact of the proposed scheme on the character and appearance of the Durham City Centre Conservation Area, the layout and design of the proposed development, potential impacts upon the residential area and Highways Issues.

45. The principle change in planning policy since the application was originally considered is the introduction of the National Planning Policy Framework, which offers planning guidance at a national level. The City of Durham Local Plan which the original application was assessed against is still of significant material relevance. The North East of England Regional Spatial Strategy is still also of relevance although in July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect. This intent was successfully legally challenged and both matters are considered to be material considerations in determining planning applications.

46. Changes have also occurred within the Town and Country Planning Use Class order. These changes in 2010 saw the introduction of a new C4 use class which relates to houses in multiple occupation. A dwelling in the C4 use class would comprise of a small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

47. Officers do not dispute that there may have been an increase in properties let to students on The Avenue during the intervening period.

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

48. The site proposed for development is garden land which is associated with the adjacent 24 The Avenue, to the north east. The site appears never to have been developed and sits as a gap in the long terrace of properties which works its way up The Avenue. The site has recently been cleared in association with pre commencement works in relation to the previous approval at the site.

49. At the time of the granting of the original application in 2009, garden sites within dwelling curtilage were defined as Previously Developed Land. In June 2010, a ministerial statement announced changes to the now defunct Planning Policy Statement 3. These changes removed garden land from the definition of previously developed land. These changes were carried over into the National Planning Policy Framework which is the key national planning policy document in relation to this application, therefore the site is not considered to represent previously developed land as in Policy terms it comprises of a private residential garden in line with the National Planning Policy Framework.

50. Policy H2 of the City of Durham Local Plan seeks to direct new residential development to previously developed land and conversions, therefore this application now represents a departure from Policy H2 of the City of Durham Local Plan.

51. The National Planning Policy Framework encourages building on brownfield sites and discourages building on gardens by encouraging the effective use of land through reusing land that has been previously developed. However, the matter does need to be given careful consideration and at paragraph 55, the National Planning Policy Framework states Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Officers consider that the change in definition of garden land was designed to mitigate against potential harm.

52. The garden site at The Avenue does not appear to represent a garden in its traditional sense. It has direct frontage to The Avenue and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue. The site has more of the appearance of an undeveloped plot of land rather than a residential garden.

53. The NPPF puts forward strongly a 'presumption in favour of sustainable development'. Officers consider that the development site would be sustainable due to its proximity to Durham City Centre. Officers also consider the site to be sustainable as through being a gap site, it does not make a significant visual contribution to the character of the Avenue, the character of which, particularly to the north east side of the street, is drawn from sweeping terraced dwellings. On balance, Officers consider this a sustainable site for development by reason of its character and by reason of its City Centre location. Officers do not consider that the principle of the development of this site would represent inappropriate development which would harm the local area.

### **The character and appearance of the Conservation Area**

54. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials. Policy E14 requires that important trees should be retained on site. These have been key considerations during consideration of this application.

55. The National Planning Policy Framework at Part 12 is now of relevance. This requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Durham City Centre Conservation Area. Officers do not consider that the thrust behind Conservation Area Policy has changed significantly since 2009.

56. The site represents a break in the built form of The Avenue which has always been in existence. However, the infilling of the site with a development that reflects the style, scale and pattern of development within the surrounding area is considered acceptable.

57. The style and detailing of the proposed development reflects that of the surrounding terraced properties. The nature of The Avenue is of stepped properties due to the changing ground level, although the street flattens out briefly in front of the application site. The ridgeline would be set down against no. 24 The Avenue and would match that at no. 25.

58. To the front and rear roof slopes, proposed dormer windows reflect the style and appearance of those within the surrounding street scene and as such would be considered appropriate. Similarly, a velux style window to the front and rear of each property would be an appropriate addition, which would punctuate the roof slopes and would be conditioned to be conservation in style.

59. The rear elevation of the dwellings exhibits simple and robust shapes. The elevation would be broken up by the presence of a three storey extension to each property with a bin store at ground floor level to all but the middle property. This serves further to break up the large elevation while the punctuation of the elevation with the rear elements and the retention of a strong vertical emphasis within the fenestration pattern are considered appropriate. The stepped nature of the projecting extensions reflects a traditional form of development to the rear of terraced properties.

60. The materials which are proposed would serve further to make the development appropriate to its Conservation Area setting. The proposed use of natural stone heads and cills, natural slate and timber framed windows is considered appropriate. Projecting eaves courses with dog tooth detailing and chimneys of typical Victorian proportions serve further to suggest a high quality design.

61. The trees on the site undoubtedly contribute to the character of the immediate locality and Conservation Area. Various trees have been removed at the site in line with the original consent. An Ash tree sits to the rear of 25 The Avenue, while a Swedish Whitebeam and Ash tree sit within the development site. These trees are to be retained with sympathetic crown reductions. An arboricultural implications assessment with tree protection measures has been submitted at the site and is deemed appropriate, landscape officers offering no objection to the application. Maintaining and protecting these trees to the rear of the site would contribute towards preserving the character of the Conservation Area.

62. A retaining wall would be incorporated, but would be outside of the root protection area of the maintained trees. In the root protection area the boundary treatment between the properties would be close boarded timber fence. The rear wall would be brick, built on top of that existing. All boundary treatment would measure 1.8m in height. A simple landscaping scheme is proposed to the rear with random flagged, block paved, gravel and grass surfaces.

63. Officers still consider that the development would rationalise the site and improve the appearance of the immediate area. The site itself is not prominent in longer views from surrounding viewpoints. The properties would also not seriously restrict views to the north and west and would not have a significant impact upon the outlook of properties on the opposite side of the road which sit on an elevated position above.



64. Officers consider that the application would preserve the character of the Conservation Area, while reflecting an appropriate standard of design and materials in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act, Part 12 of the National Planning Policy Framework, Policy 32 of the Regional Spatial Strategy and Policies E6 and E22 of the City of Durham Local Plan.

### **The layout and design of the proposed development**

65. The layout and design of the development is proposed to remain unchanged from the previous approval.

66. Policy Q8 requires that new residential development should be appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate amenity space and privacy should be afforded to each dwelling and outlines appropriate separation distances between properties.

67. There are habitable room windows and an entrance door to the southwest facing elevation of 24 The Avenue which overlooks the application site. This property is within the control of the applicant and it is proposed to block up the windows which serve two bedrooms and a bathroom and internal alterations would see the bedrooms served by down lighting from the front of the property in a similar manner in which the lounge on the north east side of this property is served with light. The entrance door would remain and would be accessed from a passageway beneath the proposed north east dwelling. These works, the principles of which have been agreed through an earlier discharge of conditions application, would be required by way of a Grampian Condition as set out under circular 11/95 relating to a requirement for off site works.

68. It is acknowledged that there would be a reduction in amenity space to the occupants of the flats at number 24. However the amenity space currently available exceeds what would generally be expected for a property of this type. No. 24 would continue to benefit from amenity space to its rear similar to most other properties in the terrace.

69. Policy Q8 requires separation distances of 21m between habitable room windows. This distance would be easily achieved to properties opposite on The Avenue and would also comfortably be achieved in relation to properties on Hawthorn Terrace, to the rear. There is residential accommodation above the rear garage associated with 24 Hawthorn Terrace which would sit closely to the proposed north east dwelling. However, this accommodation is conditioned to be non-habitable and taking into account these factors, it is considered that the physical attributes of the property would not infringe the residential amenity of neighbouring occupiers in accordance with Policies H13 and Q8 of the Local Plan.

70. On balance, officers consider that the application is appropriate in terms of Policy Q8. The proposed development would allow adequate separation distances between properties which would ensure privacy and prevent overlooking, while the dwellings would be suitable in scale, form, density and materials to their surrounds.

### **The impact upon the residential area**

71. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

72. Officers understand that there are around 22 properties in The Avenue which are licensable HMO's under the Housing Act 2004 and that there are approximately a further 11 properties in The Avenue which are occupied by students but do not need to be licensed.

There are a number of sub divided properties in the immediate area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009.

73. The Council is currently considering a longer term strategy in relation to houses in multiple occupation within Durham City and the matter is still under review. At present there is no clear and direct planning policy to define the amount of shared houses, small houses in multiple occupation or larger, sui generis houses in multiple occupation that would be acceptable in any particular area.

74. It is important to note that while points of objection have been received in relation to these properties being student lets, this type of tenure is by no means a certainty, although Officers acknowledge that this use is likely. As was the case in relation to the original application, the possibility of utilising the rooms identified on the submitted plans as 'reception rooms' as bedrooms is recognised. This would mean that 6 bedrooms could be provided at the property. Officers consider that the dwellings would as such fall within the C4 use class if utilised by between three and six unrelated individuals, as their only or main residence.

75. Concerns over the habitation of the properties by students are noted. It is acknowledged that students may have different lifestyles to many other residents on the street. Officers are aware that by reason of a possible increase in student beds the concern of residents over an increase in alcohol related anti-social behaviour is prevalent. There is a variety of type and range of housing within The Avenue and Officers consider that the proposed dwellings would not result in a development that would be to the detriment of the range and variety of local housing stock. There are no set thresholds in relation to the acceptability of one type of housing or another, and it is for Officers to make a considered judgement, taking into account all relevant material considerations on the matter.

76. In consideration of the original application in 2009, the degree of reversibility of the scheme to family use, if put to use as student accommodation, was seen as a key consideration. Once again, this is seen as a very important factor in relation to this application and the floor plans remain as such that the properties are designed as family dwellings. In the event that the properties would be used as small houses in multiple occupation, planning permission would likely be required to provide more than 6 bedrooms per dwelling as this use would likely fall within the separate sui generis use class.

77. Officers considered at the time of the original application that the development would not have a significant adverse effect on the character or appearance of the residential area or the amenities of residents within it. Officers have not noted any significant change in Policy or other material considerations that would justify a different view point to be reached.

78. In light of the above considerations and in accordance with Policy H13, officers do not consider that the properties would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised.

79. Officers do not feel that a development at the level of accommodation proposed would contravene the National Planning Policy Framework which aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The scheme proposed would not necessarily prevent the properties from being used as student accommodation, but given their design and layout, conversion back to family dwellings would be relatively straightforward.

## **Highways Issues**

80. Policy T1 requires that new development should not be detrimental to highway safety or generate traffic which would have a significant affect on the amenity of occupiers of neighbouring property. Policy T10 states that Vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land take of development.

81. Since the original planning approval at the site, changes have been made in regard to the issuing of parking permits. The dwellings would now not be eligible for any parking permits; therefore vehicular parking would be limited to that provided within the curtilage of the dwellings at a level of two spaces for the three dwellings. Officers consider it unlikely that any significant additional vehicular movements or parking would be associated with the dwellings as the street has permit parking only or time limited meter parking.

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## **CONCLUSION**

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82. In summary, Officers do not consider that Policy or any other material considerations have altered to such an extent that a different recommendation should be reached. In Policy terms, the application now represents a departure from Policy H2 as the site is no longer classed as previously developed land, although this is considered acceptable due to the sustainable location of the site. Officers have not noted any other significant material changes in relation to the site since the last approval.

83. Officers consider the application acceptable in terms of the principle of the development of the site by virtue of its sustainable in settlement-based location. Officers consider the departure from Policy H2 of the City of Durham Local Plan to be acceptable taking into account all other relevant material considerations. Officers do not consider that this application would represent the inappropriate development of non-previously developed land.

84. Officers remain of the opinion that the application is appropriate in terms of impact upon Durham City Centre Conservation Area as the development is designed in such a manner that it would preserve the character and appearance of the Conservation Area.

85. Officers remain of the opinion that the development is acceptable in terms of the scale, layout and design of the proposed dwellings. This is because the three 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. The properties are designed as family dwellings, albeit they could also be utilised as student accommodation.

86. The development would be acceptable in terms of its impact upon the residential area as Officers consider that the level or density of accommodation proposed would not have a significant adverse impact upon the character of the area to the detriment of community cohesion. In the absence of an evidence based policy relating to proportions of properties to let in any given area, it is not considered that the introduction of a further three properties of the scale proposed, if utilised as student accommodation would demonstrably harm the balance of the local community.

87. Officers consider the application to meet the requirements of the National Planning Policy Framework, Regional Planning Policy and Policies E6, E14, E22, E24, H2, H9, H13, T1, T10, Q1, Q2, Q8, & U8A of the City of Durham Local Plan 2004.

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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 E6 and E22 of the City of Durham Local Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E14, E22, H13 and Q8 of the City of Durham Local Plan 2004.

4. Development shall not commence until works have been completed at 24 The Avenue comprising of internal alterations and external alterations to the south east and south west facing elevations in accordance with the approved details under the approved application 10/00258/DRC.

Reason: In the interests of the amenity of nearby residents in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

5. The agreed tree protection scheme (Arboricultural implications assessment and tree constraints plan by All about trees received 07<sup>th</sup> October 2009) should be implemented prior to the commencement of the development. Further;

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local planning authority.

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local planning authority.

c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches

shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local planning authority has been sought.

e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and the relevant British Standard.

6. 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, E or F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

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

7. No development works shall be undertaken outside the hours of 8am to 7pm Monday to Friday and 8.30am 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.

8. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for C3 (dwelling houses) or C4 (houses in multiple occupation with no more than 6 residents) use only and for no other purpose.

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

9. The development hereby approved shall be carried out in strict accordance with the following approved plans. Proposed plans 14/43/2008 Basement Plan, 11/43/2008 Ground Floor Plan 04/43/2008-b Rear Elevation received 09<sup>th</sup> October 2012, 13/43/2008 a Attic and First Floor Plans, 03/43/2008 c Proposed Site Plan, 15/43/2008 a Proposed Streetscape Elevation received 17<sup>th</sup> November 2009, Arboricultural Implication Assessment of Trees at 24 The Avenue, Durham City received 07<sup>th</sup> October 2009, Additional plans and documentation received 12<sup>th</sup> June 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, E22, E24, H2, H9, H13, T1, T10, Q1, Q2, Q8 and U8A of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. Officers consider the proposed development acceptable with regards to the principle of the development of the site, the impact upon the character and appearance of the Conservation Area, the layout and design of the development, the impact upon the residential area and highways Issues in accordance with Policies E6, E14, E22, H13, T1, T10 and Q8 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 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. 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

City of Durham Local Plan 2004

Response from Councillor Holland

Responses from City of Durham Trust

Response from Objectors

Response from Police Architectural Liaison Officer

Response from Planning Policy





**Planning Services**

Proposed extension of time limit for implementation of 09/000756 for three terraced dwellings.

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**Date 11<sup>th</sup> December 2012**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/12/00851/FPA and 4/12/00852/CAC
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing garage/workshop buildings in association with development of student accommodation scheme
<b>NAME OF APPLICANT:</b>	Connislow Ainsley Street Ltd
<b>ADDRESS:</b>	Former Fred Henderson Ltd Ainsley Street Durham City DH1 4BJ
<b>ELECTORAL DIVISION:</b>	Nevilles Cross
<b>CASE OFFICER:</b>	Henry Jones Senior Planning Officer 03000 263960 <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a currently vacant car garage and workshop premises located off Ainsley Street within Durham City. The application site is located within the Durham City Centre Conservation Area and within the bounds of the Durham City settlement boundary. To the rear of the site lies the wooded, hillside backdrop known as Flass Vale which contains several public footpaths, is designated Green Belt, an area of high landscape value, local nature reserve and wildlife site and contains Maidens Bower Scheduled Ancient Monument. The application site is adjacent to Durham Miners Hall a grade II listed building. Statues within the curtilage of the Miners Hall are also separately grade II listed structures.
2. The site itself is accessed via a relatively steep access lane off Ainsley Street and the majority of the site is covered by a hardstand plateau adjacent to which are steep and wooded embankments. Upon this hardstand lay two large utilitarian workshop units and numerous garages arranged in three blocks across the site.

### The Proposal

3. This application seeks conservation area consent and planning permission for the demolition of the existing buildings onsite and their replacement with a purpose built

student accommodation development. The proposed development would comprise of a total of 223 no. beds comprising a mixture of studio flats and cluster bedrooms. The accommodation would be spread across three blocks of three and four storeys in height. The blocks would step up in height from the lowest sections towards the entrance of the site and highest at the rear or south western sections.

4. The Design and Access Statement explains that the accommodation will be marketed to under graduates, post graduates and foreign students. A management office and building entrance would be sited at the front of the site and this would act as a public face to the building. The vehicular access would be bollard controlled.
5. The accommodation blocks would be arranged around a series of landscaped courtyard amenity areas. Parking would be arranged in a line of 10 no. spaces (2 no. disabled) in the north of the site adjacent to blocks 1 and 2.
6. In terms of the design and appearance of the accommodation blocks themselves, the buildings would be constructed principally of brick, with featured coloured glass panels. Pitched roofs are proposed to the blocks with roof coverings comprising of slate or slate effect tiles, standing seam metal effect type cladding and single ply flat sections.
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. Planning permission was granted for extensions to the commercial garage workshops at the site in 1997.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. 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.
10. 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’
11. The following elements are considered relevant to this proposal;
12. *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.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **REGIONAL PLANNING POLICY**

20. *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.

21. 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:
22. *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.*
23. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
24. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
25. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
26. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
27. *Policy 14 - Supporting Further and Higher Education* states that the role of universities and colleges in the regional economy should be supported including with regards to infrastructure and campuses.
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 32 Historic Environment* requires planning proposals to conserve and enhance the historic environment.
30. *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.
31. *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.
32. *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)

33. *Policy E1 - Durham City Green Belt* outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
34. *Policy E3 - World Heritage Site – Protection* seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
35. *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.
36. *Policy E10 - Areas of Landscape Value* is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
37. *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.
38. *Policy E15 - Provision of New Trees and Hedgerows* states that the Council will encourage tree and hedgerow planting.
39. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
40. *Policy 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.
41. *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.
42. *Policy E23 - Listed Buildings* seeks to safeguard Listed Buildings and their settings from unsympathetic development.
43. *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.

44. *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.
45. *Policy H7 – City Centre Housing* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
46. *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.
47. *Policy H16 - Residential Institutions and Student Halls of Residence* provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.
48. *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.
49. *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.
50. *Policy T20 - Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
51. *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.
52. *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.
53. *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.
54. *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.

55. *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.
56. *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.
57. *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
58. *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 constraint the development of neighbouring land.
59. *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.
60. *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.
61. *Policy U13 – Development on Unstable Land* states that development will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.
62. *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:**

63. The Highway Authority have raised no objections subject to a condition requiring a satisfactory emergency access arrangement being demonstrated and approved.
64. Environment Agency have raised no objections.

65. The Coal Authority have raised no objections but a condition requiring intrusive investigation is requested on any approval.
66. Natural England have raised no objections.
67. Northumbrian Water have raised no objections a detailed scheme of surface water disposal should be agreed via condition.

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

68. Design and Conservation have raised no objections to the development. No harm to the character, appearance or setting of the Conservation Area is considered to occur. No harm is considered to occur upon the special character, appearance or setting of the listed structures at the adjacent Miners Hall. Reference is made to the successful manner in which the roofscape has been broken up. The site is well screened due its setting within a depression surrounded by wooded embankments.
69. The Senior Low Carbon Officer has commented on the submitted sustainability statement and it is considered that a good range of technologies have been considered, however, without detailed data on their performance.
70. Environmental Health have raised no concerns with regards to the impacts of the development upon air quality. Recommendations are made in relation to working hours on site, dust and noise suppression and construction site floodlighting. Objection has not been raised to the sheer occupancy levels of the site or noise as a result.
71. Ecology have raised no objections though a series of conditions are recommended relating to mitigation measures, checking for badger setts or signs and planting.
72. Senior Tree Officer has raised no objections subject to an appropriate landscaping scheme being agreed.
73. Landscape are generally accepting of the submitted landscaping scheme however recommendations are made with regards to the avoidance of the creation of the wetland area proposed, detail of gabion walls and avoidance of use of invasive species.
74. Planning Policy have stated that the development could potential ease pressure on existing housing stock needing to be converted to HMOs. However, concerns over occupancy levels and the impact of the comings and goings at unsociable hours and therefore impact upon local residents are raised.

#### **PUBLIC RESPONSES:**

75. One letter of support has been received stating that this is the form of student development needed in Durham and that it is suitably and discreetly located.
76. Twenty eight letters of objection have been received with regards to the application which includes a letter from Cllr Nigel Martin. Much objection relates to the impacts of the imposition of further students into the area and the considered over concentration of students in this part of Durham which this would contribute further to. Reference is made to the lack of health, school, park and shopping facilities due to the lack of permanent non-student residents. Concerns are raised over the noise, drunken and anti-social behaviour which will occur as a result of the development. Reference is made to the potential for the development to become a social student hub. Reference is



made to the single route which the development has towards Durham and how all occupiers will have to travel the same route past the same houses leading to disturbance. Questions are raised as to why Durham does not have established policies like other University cities to control student concentrations and why a standard residential development is not being sought at the site as is the case at the neighbouring Arriva Bus Depot site. Objections are raised over the absence of adequate communal facilities and outdoor amenity space. A dedicated onsite principal is required at the site. It is also considered that the development would be detrimental to the planned redevelopment of the Arriva bus depot for housing and detrimental for business at the Kingslodge Hotel.

77. Objections are raised at the scale, design and appearance of the development. The development is considered by some objectors to be unsympathetic to the Conservation Area, the Miners Hall and views from the train line. Objections are raised to the visual impact of the bin collection location. Parking provision within the proposed development is considered to be inadequate and concerns are raised over the highway congestion, parking on neighbouring streets and the adequacy of access arrangements at the site including for service vehicles. One respondent states that the access road should be improved as a “planning gain”.
78. Objection is raised at the harmful impacts of noise and lighting upon Flass Vale. Concerns are raised as to how the landscaped embankments around the site will be adequately managed. Concerns are raised over the potential impacts of the development upon the Nevilles Cross Battlefield and archaeological remains.
79. Concerns are raised over drainage arrangements at the site and that the existing sewer is already overloaded. Questions are raised with regards to the experience and competency of the applicant in successfully delivering such as scheme and requests are made that existing developments of the applicant are monitored to assess their success.
80. It is considered that access would appear to be required across land owned by the occupiers of Durham House and that permission for access across this land would not be granted.
81. Questions are raised as to the precise roles of the three members of staff referred to within the application documents. Concerns are raised over the security of the development particularly during the summer months when unoccupied.
82. One respondent makes reference to a previous residential scheme sought at the site which was refused by the Council. Objectors consider that the amenity and outlook of the residents of neighbouring Durham House would be harmed through the development.
83. One respondent states that the presence of any potential contaminants at the site needs to be investigated. Concerns are raised that the site is inconveniently located for access to the Stockton Road campus.
84. Objection is raised to the applicant’s argument that the scale of the development is determined by the price being sought by the vendor. The price the vendor is requesting is influenced by what can gain planning permission and should planning permission only be forthcoming for a more modestly scaled development the price would have to drop.
85. Some objection relates to a considered lack of convincing evidence for the need for the development. The content of the Senior Low Carbon Officer’s response in relation to the development “freeing up” existing housing stock for families is criticised.

86. Specific references are made to national and local planning policies and reasons as to why the development is considered contrary to them.
87. Durham University Estates and Buildings have also objected to the application raising some similar issues that have been raised by public respondents including concern at the lack of social and collegiate amenity space, highways issues, design and scale and adverse impact upon local residents. The University are particularly concerned with regards to the future management of the site. The University make reference to the established model of management which they utilise to handle complaints or disturbances as they arise. The University also state that they consider that incidences of disturbance in student accommodation without University management are greater.
88. The University also consider that the proposed development would conflict with the University's developing accommodation strategy. The site is not considered to be within an identified axis of desired developments and is isolated from it and the academic sites. The University have stated that they anticipate that the emerging County Durham Plan will provide support for their residential strategy and that to grant planning permission for this development at this stage would be premature, potentially jeopardising the successful transition of the area from predominantly HMOs to family housing. Finally the University state that the developer has failed to actively engage them in discussions.
89. The Police Architectural Liason Officer has previously commented on the layout and design of the proposal and the site is considered naturally secure with one access point, landscaping can be used to prevent unofficial shortcuts through the grounds, there are no layout issues, the use of retractable bollards are supported and it is assumed that an access control system to individual buildings will be utilised. Advice is provided on cycle store design, lighting and windows and doors. In addition further comments have been provided in connection with the architectural liason officers' capacity working alongside the "Safe Durham Partnership". Within these comments points are raised that nuisance behaviour from students is a serious issue and policy guidance on the acceptability of concentrations of students in residential areas would be useful. Students do have an impact on residential areas with noise and issues such as littering. However, from a policing perspective it is considered more appropriate that students are housed in purpose built accommodation such as that proposed which would include forms of management and the ability to take steps to deal with nuisance or anti-social behaviour that takes place in or around it.

#### **APPLICANTS STATEMENT:**

90. The applicant has submitted a Design and Access Statement, Planning Statement, Heritage Statement and draft management plan all in support of the application.
91. These documents outline the considered need for purpose built student development schemes within Durham and that a market exists within all sectors of the student market including with regards to under graduates, post graduates and foreign students.
92. The development proposal is not considered to be contrary to the provisions of the Development Plan. The scale and design of the building is considered to take account of and cause no detrimental impact upon the local area and the various designations within that including most notably the Conservation Area and adjacent listed structures.
93. During the course of the application a management plan has been submitted seeking to demonstrate some measures which can be utilised so as to ease concerns over the actions and behaviours of the student occupants which includes the transfer of the site to an experienced and accredited accommodation management company, use of student wardens, security staff and widespread CCTV coverage.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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94. 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, appearance and setting of heritage assets and the character and appearance of the area, impacts on residential amenity, ecology, and highway safety.

### The Principle of the Development

95. This application proposes the erection of a purpose built student accommodation development with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land close to Durham City Centre. The proposal therefore seeks development which accords with the sequential approach to development as sought by Policy 4 of the RSS and demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of sustainable development in the National Planning Policy Framework.
96. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
97. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.
98. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application.
99. Some public objection to the proposal relates to the imposition of additional numbers of students into this part of Durham. Many respondents raise issue with the sheer concentration of students in this part of Durham and questions are raised as to why Durham County Council does not have established policies like other University cities to control student developments and concentrations.
100. Durham University Estates and Buildings have also objected to the application considering that the proposed development would conflict with the University's developing accommodation strategy and that the site is not within the identified axis of desired student development areas within the City. The University also state that to grant planning permission at this stage would be premature and potentially jeopardise

the successful transition of the area from one of a concentration of HMOs to one of family housing.

101. One letter of public support has been received stating that this is the form of purpose built student development needed in Durham and that it is suitably and discreetly located. Planning Policy have stated that there is an argument to state that the provision of such purpose built developments would ease pressure on the existing housing market and demand for HMOs.
102. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed at paragraph 58. The local area does include a mix of uses in the immediate vicinity directly opposite the site there lies Durham Companions Club, offices are located at the end of Waddington Street which themselves lay opposite the existing Arriva bus depot building and the Kingslodge Hotel. Residential properties also lie within the immediate vicinity. The local area can therefore be considered to have a mixed use character which could be expected at the edge of a City Centre.
103. Unquestionably there are significant concentrations of student occupied households within the local area and letters received opposed to the development make reference to the few permanent residents that live in their area or their street and view of several objectors is that there are simply too many student occupied properties in the area and the imposition of so many further students in this area as proposed within this development would be unacceptable in principle.
104. However, at the same time officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development. The Local Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division. Officers consider that it must be demonstrated that the development and the concentrations of students would be harmful to the amenity of existing residents and the area therefore undermining the aim of mixed and inclusive communities and providing a level of harm to be considered contrary to Policy H16.
105. The issues surrounding the impacts upon amenity of the purpose built development proposed are discussed in more detail within the “residential amenity” section of this report commencing at paragraph 114.
106. Durham University Estates and Buildings consider that the proposal would be in conflict with their developing accommodation strategy and the University anticipate that the County Durham Plan will provide support for their emerging residential strategy. The University are concerned that to grant planning permission for this development at this stage would be premature, potentially jeopardising the successful transition of the area from predominantly HMOs to family housing.
107. The University are a key stakeholder in the City and as such the Local Planning Authority wishes to support its academic, cultural and economic contributions. However, officers do not consider that The University have thus far actively sought to ensure that an accommodation strategy clearly forms part of the emerging County Durham Plan. A version of the University accommodation strategy has not been purposefully provided to the Council and the preferred options of the County Durham Plan in its present form does not contain specific detail on the University’s accommodation proposals. Policy 10 of the preferred options of the County Durham Plan does identify a site at Mount Oswald as being suitable for student accommodation. However, the justification to this policy also makes reference to the pressure on the

private rented student sector being eased through other purpose built developments such as that at Green Lane (a development by this applicant currently under construction) and this suggests a lending of support in general to purpose built student facilities.

108. However, it must be acknowledged that at this stage the County Durham Plan whilst still at the preferred options stage cannot be given any significant weight in decision making on a planning application, key guidance remaining within the Development Plan and the provisions of the NPPF.
109. What is clearly known of the University's accommodation strategy is that additional purpose built student accommodation is considered to be necessary to meet demand. This is supported by separate research documents into student accommodation need undertaken by the applicant.
110. Therefore there is clearly considered to be a need for appropriate purpose built student development within Durham. The application site is on the edge of the City Centre close to its range of facilities and services. The site is also previously developed land.
111. The application site lies within the Durham City Centre Conservation Area and conservation area consent is required for the demolition of the existing buildings on the site. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area. Policies E6 and E22 of the Local Plan provide guidance with regards to development proposals within the Durham City Centre Conservation Area and this requirement to preserve or enhance the character of the Conservation Area is reiterated within these policies.
112. The detailed assessment of the impact upon the character, appearance and setting of the Conservation Area is discussed elsewhere within this report but no objections in principle on the grounds of the impact upon the Conservation Area are raised.
113. Taking all these matters into account officers consider that in principle the proposal can be considered acceptable. Greater consideration of the acceptability of this degree of student occupation in this location is given in the next section of this report.

#### Impacts upon Residential Amenity

114. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through a concentration of students but also with regards to specific relationships with the closest properties.
115. Much public objection, relates to the considered over concentration of students within this part of the Durham Reference is made to the lack of health, school, park and shopping facilities due to the lack of permanent non-student residents. Concerns are raised over the noise, drunken and anti-social behaviour which will occur as a result of the development. Reference is made to the potential for the development to become a social student hub. Reference is made to the single route which the development has towards Durham and how all occupiers will have to travel the same routes past residents leading to disturbance. Questions are raised as to why a standard residential development is not being sought at the site as is the case at the neighbouring Arriva Bus Depot site. Objections are raised over the absence of adequate communal facilities and outdoor amenity space. A dedicated onsite principal is considered to be necessary at the site. It is also considered that the development would be detrimental to the planned redevelopment of the Arriva bus depot for housing and detrimental for business

at the Kingslodge Hotel. Objections are raised at the considered absence of communal and outdoor amenity space available at the site. The concerns of the University with regards to the development have already been mentioned within this report.

116. Planning Policy have raised concerns over the sheer occupancy levels proposed and impacts upon the amenity of nearby existing residents.
117. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them.
118. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.
119. The issue of the concentration of students in this part of Durham, concerns over the impact of the development with regards to matters such as noise and disturbance is clearly of significant concern to a number of residents, clearly demonstrated within content and number of public responses.
120. It is acknowledged that there can be a tendency for a “student lifestyle” to develop involving many nights out, parties and the like which may be drunken and noisy. Some public respondents have provided examples of the types of behaviours they have experienced which can be disruptive and officers appreciate this.
121. Equally it is difficult to precisely quantify the likely frequency or magnitude of such behaviours. Within a large student development such as that proposed you may get variances to the degrees of problems caused from year to year dependent on the behaviours of the occupiers themselves and also the varying proportions of undergraduates, post graduates, foreign students and more mature students.
122. What would be important to the integration of such a development into any locality would be its appropriate management. The management of the site is a point raised within the consultation responses including that of the University and Cllr Martin. Some respondents have also questioned the credentials of the applicant in delivering and management such a site adequately with requests that their existing developments are monitored.
123. The applicant has supplied details of a management plan which would be utilised to help ensure the site is well run, organised and any disruptive behaviour minimised as much as possible. Such a management plan, it is considered could be further elaborated upon via a condition on any approval but from the details received would involve the use of CCTV, appointment of student wardens of a more management capacity, onsite security presence on an evening and access to a contract management company with a 24/7 call centre amongst the proposed measures.
124. Certainly such measures would help the smooth running of the facility and reduce the potential for any particularly noisy or disruptive behaviours for the closest residents. Obviously officers cannot guarantee that some noise or disruptive actions would not on occasion occur but this could equally apply to any development of a similar nature at any locality.

125. A public respondent has raised questions over the experience of the applicant in delivering a scheme of this nature successfully and requested that their other developments are monitored. However, officers do not consider that significant weight could be given to the experience of the applicant in regards to delivering such developments or require that their previous developments are monitored. Though it is appreciated that an investigation into the applicant's previous developments could inform on this site, officers do not consider it would be appropriate to utilise this approach in the decision making process as it would effectively be given considerable weight to whom is applying for planning permission rather than the merits of the proposal and plans themselves. Furthermore in the longer term the applicant has stated that the management of the site would be transferred to a management company rather than handled by the applicant themselves.
126. With regards to the objections raised in the consultation responses to the considered lack shared communal facilities and space, a communal common room has been provided within the development so that students can more easily meet as a group. Although there are certainly not extensive areas of outdoor amenity space proposed within the site there are clearly defined and dedicated landscape courtyards which would provide outdoor areas for students to meet. It must also be noted that the site is very close to public recreational areas such as Flass Vale and Wharton Park.
127. In terms of the impacts of such communal areas and also the concerns over the site becoming a social hub and residential amenity, officers consider that there is a balance to be struck between providing adequate space so that the occupiers would have ample space needed to meet and relax but not having too much communal space so as to likely increase potential for noise and disturbance. Officers consider that should significantly larger or more dedicated indoor or outdoor spaces be provided this may potentially only encourage larger gatherings or games of football etc which could be disturbing to residents.
128. Some concerns raised in public responses relate to the position of the site meaning that it can only be effectively accessed from the single route via Ainsley Street and Waddington Street and therefore the sheer number of pedestrians passing houses will be noisy and disruptive. Officers agree that movements are going to occur along the same route. However, not all of the occupiers will be coming and going at the same time. Comings and goings will naturally be more staggered and broken down into smaller groups and this will help to mitigate impact.
129. With regards to the concerns raised in the public responses to the lack of community facilities such as health provision, school, park and shopping facilities. Officers appreciate that large student numbers or any specific local demographics for that matter in one locality would have impact upon what services and facilities are located in an area. In terms of recreational facilities officers would argue that the proximity to Flass Vale and Wharton Park provide examples of park and recreational facilities in the vicinity. The proximity of the local area to the City Centre, officers would consider demonstrates that the area is still well served by shopping facilities. In terms of health services and schools there could be an argument that if the demographics of the area changed with a significant increase in a non-student population then potentially but not necessarily, new school or health facilities could open or existing ones be extended. However, the application before the Local Planning Authority is that which must be considered, the proposal is not for standard housing which could increase the need for school and health facilities.
130. Linked to this matter, several respondents have questioned why a standard residential development proposal is not being proposed at the site such as that at the nearby Arriva bus depot site. The site is not specifically allocated for housing development within the

Local Plan. The development opportunity arising due to the relocation of the former occupiers to Langley Moor. The Local Planning Authority must consider on its own merits whichever forms of development proposals come forward.

131. Environmental Health have provided some comments with regards to the application and in relation to the concerns raised with regards to noise and disturbance it is not considered appropriate by them to raise objection to the scheme on this basis. Environmental Health have stated that it would be possible to mitigate noise from the development through both the structure of the building and through management techniques. Ultimately Environmental Health have stated that they would have statutory powers to investigate any genuine noise nuisance complaints.
132. Objections have not been received from the Police Architectural Liason Officer at Durham Constabulary to the principle of the development. Some public objection raises concerns over the security of the site with particular reference to the months when unoccupied. The Police Architectural Liason Officer considers the site itself to be naturally secure and objections are not raised to layout of the development. It is also considered that purpose built student accommodation is better designed and equipped to deal anti-social behaviour. The Police Architectural Liason Officer does state however that in general, large numbers of students do bring nuisance issues within residential areas.
133. With regards to the properties closest to the application the proposed development has sought to take these into account in terms of the layout and design and seek to prevent a loss of privacy, outlook and light. Flass Court is a residential property (in student occupation) which flanks the site to the north and this includes windows located within its southern elevation which flanks the site. "Block 1" of the proposed development is the most modest of the three blocks proposed at three stories in height and sections provided within the application show that its ridge height would be at the same level as the ridge of Flass Court. Although this development proposal constitutes a sui generis use, Policy Q8 of the Local Plan relates to residential developments and provides some distance and amenity standards which can be considered of relevance to the development and help to provide a context to the impact of the development.
134. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows. A distance of 20m would exist between the side elevation of block 1 and Flass Court such a distance is marginally short of the recommendation between windows. However, it must be considered that there is a steep embankment with landscaping which would partially screen views between the two properties. This would mitigate impacts and compensate for the slightly substandard separation between the properties.
135. Similarly with regards to the second neighbouring residential property that abuts the site Durham House, site sections have been provided with the application to demonstrate the relationship. The northern facing elevation of block 2 would be orientated towards Durham House and this would be located 18m from the nearest part of Durham House which does include windows. The northernmost sections of block 2 are three storey in height and the submitted sections demonstrate that, due to the change in levels between the sites, the windows within the second floor of the development would not provide a view beyond the landscaped embankment into the windows of Durham House. In addition revised plans have been provided relocating the windows of the second floor studio closest to Durham House to the side elevation and obscuring some glazing within the front elevation to provide further assurance that direct views would not be achievable between the properties. Officers consider that this reduces the concerns



with regards to the impacts of the development upon the privacy and amenity of the closest residential properties. With regards to any concerns over a view, material weight cannot be given to a private view altering. Other properties which immediately abut the site are either farther from the development than Durham House and Flass Court or not in residential occupation such as the Miners Hall to the south.

136. The applicant has designed the layout so as to ensure that the communal common rooms is sited towards the rear sections of the site away from the nearest residential properties so as to reduce the potential for noise from groups for the nearest residents.
137. The impact of the proposed development upon the local area and amenity of residents within is a key consideration with the application and the matter most vehemently raised within the public consultation responses.
138. Policy H16 of the Local Plan considers that the development of student halls that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 and the NPPF promotes mixed and balanced communities, the reduction of the fear of crime and general community cohesion.
139. Undoubtedly this part of Durham does have high numbers of students residing within terraced HMOs. The development would add to the sheer numbers of students within the area. However, for the application to be unacceptable officers consider that it must be demonstrable that this increase in student numbers would be harmful. The applicant and the development proposal has sought to address these concerns through a mix of the layout and design of the development and formulation of management measures which can be further controlled via a condition on any approval.
140. Objections have not been raised in principle to the development from the likes of Environmental Health and their need to handle statutory nuisances arising from development, nor in principle from the Durham Constabulary's architectural liaison officer.
141. It must be taken into account that this development proposal is not the first of its kind within Durham City. Other examples of similar, privately run student accommodation developments exist such as at St Margarets Flats and those being developed at Green Lane together with the University's own halls within edge of centre locations such that at Parsons Field off Old Elvet.
142. In conclusion officers do not raise objection to the proposed development on the grounds of harm to residential amenity, either with regards to the influx of the number of students to the site nor with regards to specific relationships between the site and the very nearest properties.

#### Impacts upon the Character and Appearance of the Area and Heritage Assets

143. The application site lies within the Durham City Centre Conservation Area, immediately abuts Flass Vale which marks the commencement of the Green Belt, is designated as an Area of High Landscape Value, Local Nature and Wildlife Reserve and contains Maidens Bower Scheduled Ancient Monument. The application site is adjacent to Durham Miners Hall a grade II listed building. Statues within the curtilage of the Miners Hall are also separately listed, grade II structures. This site is relatively close to the boundary of the World Heritage Site. Trees within part of the site are protected by the Flass Vale TPO of 1973.

144. The site therefore lies within a sensitive location and careful consideration must be given to the impacts of the development upon the area and the various local land designations.
145. Some public objection to the development relates to the scale, design and appearance of the development, impacts upon the Conservation Area, the adjacent listed Miners Hall and views from the trainline. Concerns are raised over the visual impact of bin collection arrangement whilst concerns are raised including from the group The Friends of Flass Vale with regards to the impact of the development upon Flass Vale including with regards to noise and light spillage and the protection of wooded embankments.
146. Reference is made to the Nevilles Cross Battlefield which borders the site and the potential for archaeological remains.
147. Design and Conservation have been consulted on the application and have raised no objections to the development. No harm to the character, appearance or setting of the Conservation Area is considered to occur with no objection to the conservation area consent application for the demolition of the existing buildings. Reference is made to the successful manner in which the roofscape has been broken up. Design and Conservation consider that the site is well screened due its setting within a depression surrounded by wooded embankments. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance and setting of a conservation area.
148. Public objections to the development include consideration of the proposed development with regards to the most relevant Local Plan Policies E6 and E22 and consider that the proposal does not meet the policy requirements.
149. However, officers concur with the views of Design and Conservation. The existing buildings on site although of a smaller scale than the redevelopment proposed are utilitarian workshop buildings of no architectural merit, providing no positive contribution to the Conservation Area. Although the development proposes buildings covering a greater area of the site and of between three and four stories in height, the buildings are considered to be appropriately designed. Pitched roofs are proposed within the design and the roofscape has been adequately broken up into smaller expanses pitches together with variations in height. The use of variations of red brick proposed is in keeping with Durham with variations in depth created by the use of recessed brick sections and projecting pillars. Coloured glazing panels provide further interest to the design. Conditions can be attached to any approval to agree final material choices across the site. A substation is required within the site, this has been sensitively sited though full details of the elevations and appearance are necessary. It is considered that conditions can be attached on any approval to agree the final appearance and similarly so for bins store and cycle store appearances.
150. Although the site lies within a sensitive location within the Conservation Area, adjacent to Flass Vale and heritage assets the site is also very well screened and effectively “tucked away” from most public vantage points. The site is only clearly visible once within its immediate vicinity. Reference is made within the public objections to the views of the proposed development from the train line. Officers have purposefully travelled on the train to gain an impression of the site and development from the line. Due to the height at which the train line is set in relation to the site and the location of the Miners Hall and adjacent offices between the train line and site, views of the development will be highly obscured if at all visible from the train line.
151. Flass Vale is designated within the Local Plan as an Area of High Landscape Value, a site of nature conservation importance and marks the commencement of the designated

Green Belt to which Policies E10, E18 and E1 of the Local Plan respectively seek to protect from inappropriate development. The development is a substantial increase in sheer build than at present and when within or in very close proximity to the site, less of a view of this valued green backdrop of land will be available than at present.

152. It must be noted however, that the application site and proposed build is located adjacent to but outwith of these land designations. Therefore the planning application is not proposing development within the Green Belt, the Area of High Landscape Value or the Site of Nature Conservation Importance. As a result no harm to the openness of the Green Belt, the essential characteristic of the Green Belt would occur having regards to both Policy E1 of the Local Plan and Part 9 of the NPPF.
153. It follows that the visual impacts upon Flass Vale are essentially restricted to a consideration of impacts upon its setting as the site lies outwith of the Local Plan designations. As views of the site and Flass Vale beyond are restricted in the longer distance officers do not consider that the development harms the important landscape character of Flass Vale. The Councils Senior Landscape Officer has raised no objections to the impact of the development upon Flass Vale and there is general support provided to the content of the proposed landscape plan for the site though some recommendations are made with regards to the avoidance of the creation of the wetland area proposed, detail of gabion walls and avoidance of use of invasive species. These matters can be adequately covered through the addition of a condition attached to any approval.
154. The site and adjacent land is in part covered by a tree preservation order and all trees on and adjacent to the site have a degree of protection by virtue of being located within the Conservation Area. Policy E14 of the Local Plan relates to trees and advises that development proposals should seek 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 to development. Public concerns include with regards to the impact of the development upon and management of the landscaped embankments of the site.
155. The application has been accompanied by a detailed tree report and proposes works to a total of 9 no. trees within the site and adjacent to the site which includes pollarding of a tree to 3m, pruning to another, crown reduction to 8m of another, severing of ivy, removal of the eastern limb of a tree. The Councils Senior Tree Officer has been consulted on the application and objections are not raised to the proposed works within the tree report subject to an appropriate landscaping scheme. Similarly the Council's Senior Landscape Officer has not raised objection to the proposed tree works subject to an appropriate landscaping scheme being agreed. The works proposed within the submitted tree report and the protection of the trees whilst development works are ongoing can be ensured via the attachment of conditions on any approval.
156. The application site lies adjacent to the Miners Hall on Redhills Lane a grade II listed building which includes within its curtilage separately listed grade II statues. Policy E23 of the Local Plan specifically relates to listed buildings and seeks to safeguard Listed Buildings and their settings from unsympathetic development. Part 12 of the NPPF is consistent with and supports the Local Plan Policy. Furthermore Local Planning Authorities have a statutory duty under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possess.
157. Some public objection and concern with the submitted applications relates to the impacts upon the Miners Hall and its setting. This buildings significance is derived from

its historic interest, architectural merit and contribution to this part of the Conservation Area. It is a handsome and impressive building of the Baroque style. Design and Conservation consider that the impact of the development on the significance of the Miners Hall and its setting is somewhat negated by the depressed nature of the site the shielding by vegetation and the limited views into and from the site. In terms of the Miners Hall the principal impact is upon the proximity of the development to the rear elevation. Design and Conservation again consider that this is somewhat negated by the intermediate vegetation and the limited views of the rear elevation due to the depressed nature of the ground to the rear. It must also be noted that the elements of the building of the most architectural merit are viewed from the front elevation, the rear elevation is of less architectural merit. Similarly as the proposed development is located to the rear of the Miners Hall site the separately listed statues shall not have their character, appearance or setting affected. Overall the development is considered to preserve the special character, appearance and setting of the listed buildings.

158. Policy E3 of the Local Plan seeks to safeguard the World Heritage Site and setting from inappropriate development that could harm its character and appearance and important views towards and from the WHS. However, taking into consideration the distances between the Cathedral and Castle and the application site, the intervening land uses and developments and the screened nature of the site, no impacts are considered to occur with regards to the WHS.
159. Some public concern relates to the potential for archaeological deposits at the site due to the sites location just within the bounds of the Nevilles Cross Battlefield and proximity to Maidens Bower Scheduled Ancient Monument. Policies E24 and E25 of the Local Plan relates to archaeological remains, ancient monuments and the Nevilles Cross battlefield and seek to protect archaeological remains (requiring preservation in situ where necessary), ancient monuments and the interpretation of the Nevilles Cross Battlefield. Part 12 of the NPPF is consistent with the aims of these policies. No objections have been received from the Councils Senior Archaeologist with regards to the development. Having regards to the sites location within the bounds of the Nevilles Cross Battlefield officers do consider that it would be appropriate for conditions to be attached to any planning approval requiring the submission of an assessment and mitigation strategy with regards to archaeological remains, in accordance with a written scheme of investigation.
160. Some public objection is raised to the proposed siting of bin collection towards the frontage of the site and the visual impacts of this. Although for a development of this scale significant bin capacity would be required and this would displayed on collection day officers do not consider that temporary impact would be so harmful as to warrant significant objection to the development. Furthermore, the application is accompanied by details stating that bin collection would be undertaken via a private contract which should add a degree of assurance that refuse disposal would be organised.
161. One public respondent argues against the content of the submitted Design and Access Statement which states that the scale and occupancy levels of the development is in part determined by the land price being sought by the vendor. The objector states that land price is influenced by what development would gain planning permission and that if planning permission for this scale of development were refused and only more modestly scaled development accepted, then the land value would be forced to drop. Officers do not disagree with this point but would again reiterate that the presently submitted application should be considered on its merits and officers do not consider that the scale or design of the development is inappropriate in this particular setting.

162. Further significant public concerns relate to highway safety and highways issues. Concerns are raised over highways congestion, parking provision onsite is considered unacceptably low and parking will occur on neighbouring streets. Questions are raised over the adequacy of the access point for service vehicles in particular. One respondent considers that the access route to the site should be improved as a planning "gain". Some public respondents also consider that the entrance to the site would require an access across land owned by the occupiers of Durham House and that this consent would not be granted. It is also considered that the site is inconveniently located for access to the main Durham University sites such as Stockton Road. Pedestrian access is considered inconvenient and unsafe.
163. 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. In addition Policies Q1 and Q2 of the Local Plan relate to general principles and designing for people and accessibility and state that the layout and design of all new development should take into account the requirements of all users.
164. The application does propose limited parking on site with just a total of 10 spaces provided on the layout which includes two dedicated disabled spaces for the occupancy of 223 beds.
165. The Highway Authority have been consulted on the application and no objections are raised to the parking provision, general access arrangements, pedestrian accessibility or congestion as a result of the development. No objections are raised at the potential for parking on the adjacent streets. Officers note that Waddington Street, Ainsley Street and the immediate area is covered by the City Centre parking control area and therefore anyone wishing to park on these streets would have to use the pay and display ticket machines.
166. Due to the City Centre location and occupation by students officers would expect the low parking provision proposed in the development and that this would be accepted by the Highway Authority. Easy access can be gained to the train station or bus station for public transport links whilst cycle storage is proposed within the development.
167. Officers acknowledge that several public respondents will remain dissatisfied at the parking provision proposed and highways matters despite the views of the Highway Authority. However, in addition the applicant stated that the intention of the development is to discourage occupiers having cars and it is understood that the few spaces available within the site will be subject to permits. Furthermore the application enclosures also propose that at the commencement of the year prospective occupiers would be provided with timeslots for arrival to stagger vehicular trips and reduce congestion potential.
168. With regards to the proximity to academic sites, the site is a distance of around 1.2 miles away from Stockton Road but is closer to Palace Green (for access to the library for instance) at approximately 0.8 miles away. Officers consider that such distances remain reasonable distances on foot and are commensurate with the distances many students will travel around the City.
169. The Highway Authority have stated that they would request a condition to be placed on any approval to devise a satisfactory emergency vehicle access given that the site is proposed to have a bollarded entrance. Such a condition can be placed on any

approval. From discussions with the applicant on this point it is understood that one option is the use of bollards which are collapsible upon impact.

170. With regards to the request made that the vehicular route to the site should be improved, the Highway Authority have not deemed it necessary to require any specific access or local road improvements for the development. Officers consider it only appropriate to request such improvements where deemed necessary for reasons of highway safety. Without such a need being demonstrated officers do not consider it appropriate to demand forms of highway improvements are incorporated into the development proposal.
171. With regards to the query over the need for the developer to establish a right of access over neighbouring land, rights of access across land are ultimately a separate legal matter beyond the remit of the Local Planning Authority and it is not considered that an objection could be raised to the development on this basis.
172. On balance officers do not raise objections to the scheme with regards to highways issues.

### Ecology

173. With regards to matters of ecology the proximity of the site to Flass Vale 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 with specific reference to the impacts of noise and light.
174. The application has been accompanied by an extended phase 1 habitats survey and a bat risk assessment. The buildings to be demolished are considered within the submitted reports to be of low risk for bat use and the surveys found no evidence of roosts. A small outlying badger sett was recorded to the west of the site however evidence suggests that the site had not been used for a significant period of time. The submitted reports do propose mitigation measures to ensure the prevention of harm to protected species.
175. The Councils Ecologist has provided comments on the submitted report and application as a whole and has raised no objections to the submitted surveys. Mitigation measures contained within the reports are recommended for attachment and further conditions are recommended for attachment including so as to ensure a walkover survey to check for badgers is undertaken, a sympathetic lighting strategy is devised and a management plan for the woodland is undertaken.
176. Natural England have raised no objections to the proposed development.
177. The issue of lighting and the potential for light spillage into Flass Vale is a point raised in the consultation exercise by the Friends of Flass Vale. A condition requiring details of a lighting strategy for the site can be attached to any approval so as to reduce the potential for light spillage as much as possible. Environmental Health also commented on the need for appropriate lighting during construction and again a suitably worded condition can be attached to any approval regarding this matter.
178. The Friends of Flass Vale have also raised concerns with regards to the impacts of noise upon Flass Vale. Officers do not consider that the potential for and likely levels of

noise would demonstrably harm the wildlife site or any protected species therein and objections or concerns with regards to this issue have not been raised by either the Councils Ecologist or Natural England.

179. 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.

#### Other Issues

180. Some public concern has been raised with regards to the site being potentially contaminated. The application has been accompanied by preliminary risk assessment with regards to potential land contaminants and considers that risks of contamination on the site are of either low or medium risk and the report suggests some mitigation measures. Environmental Health have not raised objections with regards to contaminated land issues and officers consider that a suitably worded condition can be attached to any approval to ensure a fully detailed investigation of potential contaminants together with mitigation and remediation methods where necessary having regards to Policy U11 of the Local Plan.
181. The application site lies within the defined coal mining development referral area and the Coal Authority have been consulted on the application. The Coal Authority consider that the application has been accompanied by an adequate coal mining risk assessment which concludes that an intrusive investigation should be undertaken prior to the commencement of the development and that this section of the report should be conditioned on any approval. Such a condition can be attached to any approval having regards to Policy U13 of the Local Plan.
182. Some public concerns are raised with regards to drainage and it is considered that existing sewers are overloaded. Policy U8A of the Local Plan requires developments to provide satisfactory arrangements for the disposing of foul and surface water. Northumbrian Water have been consulted on the application and no objections have been raised to the development with no concerns raised over local capacity to cater for the development. However, a condition is recommended to agree a detailed scheme of surface water disposal.
183. The Environment Agency has been consulted on the application and no objections have been raised to the development or with regards to any matters of flood risk.
184. One public respondent raised queries over the roles of the 3 no. members of staff mentioned on the application form and the applicant has confirmed that these members of staff would be reception staff and cleaners. It is now understood however, from the submitted draft management plan that additional staff with management and security responsibilities will also be employed at the site.
185. One respondent makes reference to a previous residential development proposal which was refused by the Council at the site. However, it is understood that this actually related to an informal pre-application enquiry rather than a formal planning application and in addition the enquiry dated from 1998, predating the current Development Plan.
186. Some public objection relates to the potential impact of the development upon the proposed redevelopment of the Arriva bus depot and also upon the business at the

Kingslodge Hotel. The potential for one development to detrimentally impact upon another by reason of a conflict of uses and activities is a material planning consideration. In this instance officers consider that the impact of the proposed development upon the proposed residential development at the Arriva bus depot and also the Kingslodge Hotel again really rests with an assessment of the potential for harmful impacts of noise, nuisance behaviours and therefore harm to amenity resulting from the development upon the future residents of the Arriva bus depot site and also upon the attractiveness of the Kingslodge Hotel to prospective customers. Officers consider that many of the issues considered and discussed within the residential amenity section of this report again relate to the consideration of the Arriva bus depot and the nearby hotel. Ultimately officers consider that there is not the clear demonstrable harm to amenity of neighbouring site users or land uses.

187. Some public responses make reference to specific policies within their points of objection. Officers consider that this report lists the relevant national guidance (NPPF) and Development Plan policies (within the Local Plan and RSS) and assesses the key planning considerations against the key applicable policies. Some public responses make reference to the “1986 and 1988 City of Durham Plans” however the Local Plan forming part of the Development Plan and to be given material weight is the City of Durham Local Plan 2004. Reference is made in a public response to Policy H7 of the Local Plan regarding City Centre Housing and the aim to encourage (standard) residential developments within or close to the City Centre. Officers would reiterate that each planning application received should be considered on its own merits. Potentially a regular housing development could be considered appropriate at the site subject to its detail and should it be received. However, this application is not proposing this but an alternative form of development and this alone, nor the application not presenting a form of development encouraged by Policy H7 is not considered reason in itself to justify refusal of the application.
188. With the proposal being a major residential development, a scheme to reduce energy consumption to the equivalent of 10% within the development is required and a standard condition can be attached to this effect.
189. The application is accompanied by a S106 agreement proposing a contribution of £55,000 towards public art having regards to Policy Q15 of the Local Plan. As the development is a sui generis, purpose built student development as oppose to a standard housing development affordable housing or planning obligations regarding recreational space have not been sought having regards to the requirements of Policies H12 and R2 of the Local Plan.

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## **CONCLUSION**

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190. These applications propose the redevelopment of previously developed land within the settlement boundary of Durham close to the city centre. Aside from being within the bounds of the Conservation Area and partially the Nevilles Cross Battlefield, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development.
191. This development proposal should be considered on its own merits. In principle officers do not therefore raise objection to the proposed redevelopment of the site for the use. Objections have been received during the course of the application including from Durham University itself regarding a host of issues but most vehemently regarding the considered harmful impact that the imposition of so many students would have on the area and the amenities of residents within the area.



192. The applicant has submitted details of a proposed management plan seeking to demonstrate how impacts of the development can be minimised through appropriate site measures and management methods. Although the local area does residential property within the immediate area (both student and non student occupied) it should also be taken into consideration that the area has a mix of uses with a hotel, officers, social club and at present a bus depot all of which are immediate neighbouring uses. The area though in part residential also has this character of a variety of uses that would be expected within an edge of city centre location and which this development could amalgamate into.
193. The application site though within a sensitive location is very well screened and benefits from its setting at the base of wooded bowl. This setting permits the scale of the development and the design is considered appropriate with a sympathetic material palette successfully broken up roofscape. No objections are raised with regards to other key material planning considerations namely impacts on heritage assets, highway safety and nature conservation assets.
194. As a result the applications for planning permission and conservation area consent are recommended for approval.

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## **RECOMMENDATION**

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

- i. A contribution of £55,000 for public art

### **Application 12/00851/FPA**

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.

D220:02

D200:05

D220:03

D200:10

D160:02

Received 14<sup>th</sup> September 2012

D200:04 A

Received 25<sup>th</sup> September 2012

D200:01 B

D200:02 C

D200:03 C

D210\_03 C

D220: 01 B

Received 28<sup>th</sup> November 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E1, E3, E6, E10, E14, E15, E16, E18, E22, E23, E24, E25, H7, H13, H16, T1, T10, T20, T21, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, hardsurfacing and coloured glazing panels 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, H13 and H16 of the City of Durham Local Plan 2004.

4. Notwithstanding any details submitted with the application no development shall commence until precise plans submitted at an appropriate scale detailing the design, materials and finished appearance of the proposed water tabling on roofscape 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, H13 and H16 of the City of Durham Local Plan 2004.

5. The hereby approved development shall be carried out in accordance with a scheme of landscaping and woodland management plan 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), works to existing trees within the site, 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, E15, Q5, H16 and H13 of the City of Durham Local Plan 2004.

6. Details of the height, type, position, angle and intensity of illumination of all external lighting within the application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of lighting to be utilised in the scheme in perpetuity but also details of any lighting necessary during the construction and demolition process. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To minimise light spillage from the development in the interests of the prevention of harm to local wildlife and the protection of the quality of the landscape within Flass Vale, the adjacent designated Area of High Landscape Value, Local Nature Reserve and Site of Nature Conservation Importance, having regard to Policies E10, E16 and E18 of the City of Durham Local Plan 2004.

7. Scaled elevations and precise details of the appearance of the proposed electricity sub station proposed within the application shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004

8. Prior to the commencement of the development precise details of all means of enclosures, bin stores and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The enclosures and stores shall thereafter be constructed in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the appearance of the area and to comply with Policies E6, E22, H13 and H16 of the City of Durham Local Plan 2004

9. No development shall take place unless in accordance with the tree works detailed on pages 17-19 of the submitted arboricultural implications assessment by E3 Ecology Ltd received 14<sup>th</sup> September 2012 unless agreed under the landscape and woodland management proposals required by condition 5 of this planning permission. Furthermore, prior to the commencement of any works on site, including demolition, all trees to be retained shall protected from development works in accordance with BS.5837:2005 and in accordance with a tree protection plan first submitted to and then approved in writing by the Local Planning Authority and retained as such until the cessation of works.

Reason: In the interests of the appearance of the area and in the interests of protecting trees of value having regards to Policies E6, E22, H16, H13, Q5 and E14 of the City of Durham Local Plan 2004.

10. Notwithstanding the information submitted with the application no development shall commence until details of the means of disposal of foul and surface waters from the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of adequate drainage having regards to Policy U8A of the City of Durham Local Plan 2004.

11. Notwithstanding any details submitted with the application no development shall commence until details of the precise access arrangements for emergency vehicles into the site have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of adequate emergency vehicle access to the site having regards to Policies T1 and Q1 of the City of Durham Local Plan 2004.

12. Prior to the commencement of development the mitigation strategy proposed within section 4 of the submitted "Coal Mining Risk Assessment" by 3E Consulting Engineers Limited received 14<sup>th</sup> September 2012 shall be implemented/undertaken.

Reason: To ensure adequate investigation into the coal mining legacy of the site and having regards to Policy U13 of the City of Durham Local Plan regarding land stability.

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 and retained so in perpetuity.

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

14. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm 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 Policies H13 and H16 of the City of Durham Local Plan 2004.

15. No development shall take place until the submission of implementation of a programme of archaeological work has been secured in accordance with a mitigation strategy document that has been 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. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. 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.
  - vii. 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.
  - viii. 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 protect sites of archaeological interest having regards to policies E24 and E25 of the City of Durham Local Plan.

16. Prior to the occupation of the development hereby approved, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation

strategy subject to condition 15 shall be deposited at the County Durham Historic Environment Record.

Reason: To record and advance understanding of the significance of heritage assets and to make this information as widely accessible to the public as possible in accordance with Policy 24 of the Local Plan and Part 12 of the NPPF.

17. 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.

18. No development shall take place unless in accordance with the mitigation detailed within section G of the ecology report "bat and phase 1 habitat survey" by E3 Ecology Limited received 14<sup>th</sup> September 2012.

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

19. No development shall take place including demolition works, until an ecological walkover survey to check for evidence of badger setts or signs within a 500m radius of the site and incorporating mitigation measures where necessary has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with any mitigation measures required through the approved survey.

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

20. Notwithstanding the details submitted within the application no development shall commence until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy may include measures of CCTV coverage, 24 hour security or warden presence, student warden schemes or other management operations. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies H16 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Policy Framework.

### **Application 12/00852/CAC**

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

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

2. The buildings shall not be demolished before a contract for the carrying out of works to redevelop the site has been let and planning permission granted for the redevelopment for which this contract provides. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Reason: To safeguard the character and appearance of the Conservation Area having regards to Policies E6 and E22 of the City of Durham Local Plan 2004.

3. The development hereby approved shall only relate to the demolition of the buildings as detailed on plan D150:01 received 14<sup>th</sup> September 2012.

Reason: In accordance with Section 17(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

4. No development shall take place unless in accordance with the mitigation detailed within sections G.1 and G.3 of the ecology report "bat and phase 1 habitat survey" by E3 Ecology Limited received 14<sup>th</sup> September 2012.

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

5. No demolition shall take place until an ecological walkover survey to check for evidence of badger setts or signs within a 500m radius of the site and incorporating mitigation measures where necessary has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with any mitigation measures required through the approved survey.

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

6. Prior to the commencement of demolition, all trees to be retained shall be protected from demolition works in accordance with BS.5837:2005 and in accordance with a tree protection plan first submitted to and then approved in writing by the Local Planning Authority and retained as such until the cessation of works.

Reason: In the interests of the appearance of the area and in the interests of protecting trees of value having regards to Policies E6, E22, H16, H13, Q5 and E14 of the City of Durham Local Plan 2004.

7. No demolition works shall take place until the implementation of a programme of archaeological work has been secured in accordance with a mitigation strategy document that has been 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. Report content and arrangements for dissemination, and publication proposals.
  - v. Archive preparation and deposition with recognised repositories.
  - vi. 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.
  - vii. 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.
  - viii. 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 protect sites of archaeological interest having regards to policies E24 and E25 of the City of Durham Local Plan.

8. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm 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 Policies H13 and H16 of the City of Durham Local Plan 2004.

9. Full details of any lighting to be utilised during the demolition process shall be submitted to and then approved in writing by the Local Planning Authority prior to any demolition occurring. Thereafter the demolition shall be implemented in accordance with the agreed details.

Reason: To minimise light spillage from the development in the interests of the prevention of harm to local wildlife and the protection of the quality of the landscape within Flass Vale, the adjacent designated Area of High Landscape Value, Local Nature Reserve and Site of Nature Conservation Importance, having regard to Policies E10, E16 and E18 of the City of Durham Local Plan 2004.

10. Prior to the commencement of the demolition the mitigation strategy proposed within section 4 of the submitted "Coal Mining Risk Assessment" by 3E Consulting Engineers Limited received 14<sup>th</sup> September 2012 shall be implemented.

Reason: To ensure adequate investigation into the coal mining legacy of the site and having regards to Policy U13 of the City of Durham Local Plan regarding land stability.

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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 within the settlement boundary of Durham City and is considered to represent a form of sustainable development. No significant objections are raised with regards to the key material planning considerations relating to the site or development namely residential amenity, the impact upon the character and appearance of the area, impacts upon heritage assets, highway safety and nature conservation assets. The development is considered to accord with Policies E1, E3, E6, E10, E14, E15, E16, E18, E22, E23, E24, E25, H7, H13, H16, T1, T10, T20, T21, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U11, U13 and 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 proposed development is considered to represent an appropriate purpose built student development at the location and impacts upon the amenity of adjacent land users and occupiers considered acceptable.
3. A total of 30 public consultation responses have been received with objections raised to a range of issues most vehemently regarding the impacts of the imposition of such an influx of students in the area. All comments raised have been duly considered within the application and 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  
County Durham Plan (Preferred Options)  
Regional Spatial Strategy  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Response of the Highway Authority  
Response from Coal Authority  
Response from Northumbrian Water  
Response from Natural England  
Response from Environment Agency  
Planning Circular 11/95





**Planning Services**

Demolition of existing garage/workshop buildings in association with development of student accommodation scheme

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**Date 11<sup>th</sup> December 2012**



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>4/12/00934/FPA</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>ERECTION OF TWO STOREY EXTENSION TO SIDE AND REAR OF PROPERTY, INCLUDING SINGLE STOREY SUN ROOM TO REAR, INSERTION OF NEW WINDOWS IN FRONT ELEVATION OF DWELLING, REBUILDING OF BOUNDARY WALLS AND REPLACEMENT OF DETACHED GARAGE (PART RETROSPECTIVE RESUBMISSION)</b>
<b>NAME OF APPLICANT</b>	<b>MR AND MRS WATSON</b>
<b>SITE ADDRESS</b>	<b>BECKWOOD, POTTERS BANK, DURHAM, DH1 3PP</b>
<b>ELECTORAL DIVISION</b>	<b>NEVILLES CROSS</b>
<b>CASE OFFICER</b>	<b>Laura Eden 03000263980 dmcentraleast@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND DEVELOPMENT

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Site:

1. The application relates to a detached dwelling located on Potters Bank, to the east of the city centre. The property is surrounded by other residential properties to the side and rear with the highway Potters Bank located to the front elevation.

Development:

2. Planning permission has already been granted earlier this year under delegated powers for the erection of a two storey rear extension to the side and rear of the property including a single storey sun room to the rear, the insertion of new windows in the front elevation of the property, the rebuilding of boundary walls and replacement detached garage. When works commenced on site it became clear that they were not being carried out in accordance with the approved plans, specifically relating to the detached garage. A part retrospective application has therefore been received for the entire development and is being reported to the Planning Committee at the request of the local ward councillor.
3. To the rear, works are currently ongoing to construct the two-storey extension that projects out 5.2 metres from the rear elevation across the width of the dwelling. The hipped roof would have a maximum height of 8.6 metres matching the existing property; this however would be in the form of a part flat roof and would incorporate a dormer.

4. A single storey rear extension is also currently being built, located to the rear of the two storey extension projecting out an additional 3.7 metres by 4.93 metres wide. It would have a flat roof hidden behind a parapet wall.
5. In addition to the above, there would be a side extension projecting 4.5 metres from the side elevation with an overall depth of 5.6 metres. The extension is to facilitate an additional bedroom at first floor, with a drive through arrangement on the ground floor. This part of the extension is not currently under construction.
6. In relation to the garage, the approved plans showed a replacement building measuring 8.1 metres wide and 6 metres deep with a ridge height of 6 metres. Roof lights were proposed in the rear elevation, while the front elevation would benefit from a dormer to facilitate a room on the first floor. Originally it was proposed the garage would sit tightly against the boundary, separated by varying distances between 0.05 metres to 0.2 metres due to the fence line not being parallel to the build line.
7. From an assessment of the plans currently submitted and recent site visits, the garage has been constructed to the same proportions as the original proposal however there are two notable changes from the original approved plans: the distance it is located from the shared boundaries and the ground level from which the building has started.
8. The garage has been sited further away from the shared boundaries with neighbouring properties; the distances now ranging being between 0.45 metres and 0.6 metres. In terms of the other deviation from the approved plans, the ground level of the garage presents issues in terms of being able to provide an accurate measurement. The original application did not include specific details of ground levels or finished floor levels, principally because there was not considered to be a significant change in existing ground levels across the site that would have warranted a request for such information. Due to ground conditions the site had to be excavated down therefore the original ground level immediately adjacent to the garage is no longer present. All that remains is a small strip of original garden adjacent to the western boundary and from there a general assessment can be made that the base of garage appears to be at a level of between one and four brick courses above this level. This assessment is by no means conclusive and given that the original ground level has been removed there is now no firm evidence to establish accurately where the base of the garage should have been.

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## **PLANNING HISTORY**

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4/12/00437/FPA - Erection of two storey extension to side and rear of property, including a single storey sun room to rear, insertion of new windows in front elevations of dwelling, rebuilding of boundary walls and replacement of detached garage, approved 07/06/2012

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

9. 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.

10. 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:

11. 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:**

12. *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.*
13. 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.
14. Policy 8: Protecting and Enhancing the Environment seeks to promote measure such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

### **LOCAL PLAN POLICY:**

City of Durham Local Plan

15. 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.
16. 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.

17. 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.
18. 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.
19. 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.

*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:**

20. Parish Council – No comments received
21. Cllr Holland – Concerned that the development has not been constructed in accordance with the approved plans. He is aware of the complaints and concerns raised by local residents in light of the delegated approval therefore considers it would be more appropriate if the application was assessed by the Planning Committee.

### **INTERNAL CONSULTEE RESPONSES:**

22. Landscape – No objection to the proposal however suggest that the applicant supplies a landscape plan with new tree, shrub and screen planting shown.
23. Trees – It is not clear whether the existing tree on site has been sufficiently protected in accordance with BS:5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations.
24. Design and Conservation – No objection is raised as the application is essentially the same as the previous approval albeit it for the slight repositioning of the garage.
25. Highways – No objection subject to the vehicular access being constructed in accordance with Section 184(3) of the Highways Act 1980.
26. Ecology – Section 4 of the Bat Risk Assessment should be conditioned as part of the approval.

## **PUBLIC RESPONSES:**

The application was advertised by neighbour notification letters.

27. Three letters of objection have been received from local residents concerned on the grounds of loss of outlook, overbearing impact, scale of the development, overlooking, the retrospective nature of the development, overdevelopment in relation to the site and surrounding area generally.

## **APPLICANTS STATEMENT:**

28. At the request of Steve Pilkington we attended site to look at the built detached garage at Beckwood. The building had been built in full accordance with the planning and building regulations drawings, but had been built 300mm further off the boundary (away from neighbours) than approved drawings.
29. This was for the ease of construction (to keep away from ex fences). This was not considered a problem by the contractor at the time, as it reduced rather than increased the impact of the garage on neighbours.
30. A second issue was raised on site – that of the height of the garage. The approved drawings show that the floor height of the garage matches current levels. This is the case. The floor level exactly matches the rear boundary ground level. The site strip to put in foundations and drive made the garage look raised up. Steve Pilkington suggested that the garage is 200-300mm higher than that approved. We have not argued this case as it depends where you take ground level to be.
31. It is our opinion that the garage is still an appropriate form of development and that it has no greater impact on neighbours than that approved.

*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=4/12/00934/FPA>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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32. The main planning issues in the determination of this planning application are: -
- Impact upon residential amenity
  - Impact upon visual amenity
  - Highways
  - Ecology
  - Other considerations

### **Impact upon residential amenity**

33. 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. Objections have been raised from the three properties to the east of the dwelling fronting out onto the A167 in addition to the local Councillor concerned on the grounds of loss of outlook, overbearing impact, scale of the development, overlooking, the retrospective nature of the development, overdevelopment in relation to the site and surrounding area generally. In taking account of these objections, visiting the site and considering the

development against the relevant planning policies the following assessment is made in relation to each element of the scheme.

#### Rear Extensions

34. The two storey rear extension will project out 5.2 metres from the rear elevation and a single storey extension 3.7 metres, a total of 8.9 metres from the existing rear elevation. This has the potential to impact on the amenity of neighbouring properties, particularly 'Premnager' and 'Corner House' however given the separation distances between the properties and the rear extension, along with garages to neighbouring properties it is not considered that a significant loss of amenity would arise. Windows are proposed in the rear and western elevation of the proposals however these would look towards gable elevations and would be screened by a proposed two-storey side extension, would look towards neighbouring properties at an acute angle or would be single storey. No changes to this aspect of the proposal have been made following the original delegated approval.

#### Side extension

35. In relation to the proposed side extension, this will project out 4.5 metres from the existing side elevation, creating a drive through the ground floor and a bedroom on the first. Given the orientation of the neighbouring property of Corner House, which is angled at 45 degrees to the application site a significant loss of amenity is not expected to arise as a largely open aspect will remain. No windows are proposed in the first floor side elevation, while ground floor windows would be obscured by the supporting walls of the drive through feature. This part of the development remains the same as the plans that were originally approved under delegated powers, and construction has not yet commenced on this aspect of the works.

#### Detached garage

36. It is apparent not only from the letters of opposition received from neighbouring properties as part of this application but also objections raised to the original proposal that the garage element of the redevelopment of Beckwood is a source of major concern to local residents. These concerns were taken into account as part of the original submission however following a detailed assessment by the case officer it was not considered that the proposals would adversely impact on residential amenity to a level that would justify refusal of the planning application. In light of the current circumstances it is considered that it would be beneficial to revisit the initial assessment by planning officers of this particular aspect of the development and this is included below for Members attention.

37. The existing garage to the side of the property was proposed to be demolished and relocated on the rear boundary of the site. The garage would be relatively substantial being double width with a room in the roof served by a dormer window therefore it has the potential to be used as an annex. The garage was to be located a minimum of 10.45 metres from the rear elevation of Russet Grey adjacent to an existing flat roofed garage associated with the property of Highway. The dormer window would face back towards the host property and that of Corner House at a minimum separation distance of approximately 12 metres.

38. Following visits to the site the original case officer assessed that it was apparent that the proposed garage would have an impact on the level of residential amenity experienced by Russet Grey and to a lesser extent Highway reducing the outlook of these properties given that they benefitted from a relatively open aspect at the time. It was considered that the blank gable end of the garage that Russet Grey would face onto would help to reduce its impact. Although the eaves and ridge height of the



garage was considered to be slightly higher than a standard garage, this was not considered to be excessive when compared to a more traditional detached garage. In addition to this assessment, Policy Q8 of the Durham City Local Plan sets out minimum separation distances from habitable rooms for new housing developments that are 6 metres to a single storey gable and 13 metres to a two-storey gable. As the proposed garage height lies between the typical heights of a single and two storey building, the separation distance to the neighbouring property of 10.45 metres, that was confirmed as being accurate following on site measurements taken by the case officer, was considered to be acceptable to prevent a significant loss of amenity arising. Furthermore, the orientation of the neighbouring properties would ensure that the garage would not block a significant amount of sunlight for prolonged periods.

39. A dormer window was proposed in the front elevation to the garage, with roof lights to the rear. In determining the impact of these it was considered that no significant loss of amenity would arise for the residential property to the rear, Highways, as limited views would be achieved over an extensive garden area. To the front however separation distances between the garage and the rear of Corner House would be in the region of around 12 metres. Despite the development and the neighbouring property being offset from one another it was considered that a loss of privacy could arise however account was taken of the limited openings in the rear elevation of Corner House that are partially obscured by vegetation and would be further protected by the proposed replacement boundary fence that it was considered would effectively screen the small amenity area. To the first floor of the neighbouring property, Corner House, the single window serves a landing area that is not considered to be a habitable room. Furthermore, only a relatively small level of accommodation was proposed in the roof space served by limited facilities therefore it was not considered that this room would be used on a frequent basis.
40. On balance it was concluded that while neighbouring residents would experience a reduction in the levels of amenity and privacy experienced at present, this was not considered sufficient to warrant refusal of the planning application given the site's characteristics, the orientation of the dwellings and separation distances achievable in line with planning policies. As a result the application was approved subject to standard conditions relating to time limit for commencement, compliance with approved plans, materials to be provided, limitation on the use of the garage and a restriction of its permitted development rights.
41. Following the approval, works started on site. With reference to the garage element in particular, due to it being timber framed, the structure was largely erected within a short space of time. Neighbouring properties alerted the Local Planning Authority that they had concerns that the structure had not been constructed in accordance with the approved plans therefore the matter was investigated by officers. These enquiries have revealed that although the garage has been constructed to the same proportions as the original approval in terms of its footprint, detailed design, ridge and eaves height there are two notable changes, the distance it is located from the shared boundaries with neighbours and the ground and floor levels as explained in Paragraph 8 above.
42. The garage has been sited further away from the shared boundaries with neighbouring properties; the distances now being between 0.45 metres and 0.6 metres therefore the structure is around 0.4 metres further away from Russet Grey and Highway than originally proposed. In terms of the other deviation from the approved plans, as indicated in Paragraph 8 above, the ground level of the original garden was not recorded. From initial site visits, the land appeared to be level hence

the previous case officer did not request levels plans to be submitted as part of the original application. However when work commenced on the build, as a result of ground conditions the site had to be excavated down therefore the original ground level is no longer present. All that remains is a small strip of original garden land adjacent to the existing western boundary fence, and from there a general assessment can be made that the base of garage appears to be at a level of between one and four brick courses above this level. In terms of an actual measurement this equates to between 7.5 and 30 centimetres, or between 3 and 12 inches. This cannot be confirmed accurately in the present circumstances, but is considered to be a reasonable assessment of the position.

43. Taking all relevant matters into account it is considered that the Local Planning Authority fully assessed the original proposal and given that it accorded with the relevant development plan policies the decision to approve the application was considered by officers to be correct. This remains the Local Planning Authority's position. Furthermore, the original application has been approved and commenced therefore the applicant could continue to implement the building works as per these plans. In light of this the main assessment of the current application has to be whether the changes to the garage in terms of its location and overall height cause harm to the amenity of adjacent residents over and above the original approval to a degree that would warrant refusal of the application. Although it is acknowledged that the roof height could be anywhere up to an estimated maximum of 30 centimetres higher than the original approval it is considered that the potential impact of this is mitigated to some extent by the fact that the development is now located around 0.4 metres further away from the site boundaries. Whilst acknowledging that it is also slightly closer to Corner House as a result of the repositioning, the impact of the additional height is not considered to be significant to that property. The garage has already been approved with a maximum height of 6.1 metres therefore in the context of the overall scheme the changes proposed as part of this application are considered to be relatively minor in nature.
44. As per the original assessment, it is considered that the development accords with the intentions of the relevant development plan policies and it is not considered that there are sufficient grounds to sustain a refusal given the relatively minor changes to the already approved application.

#### **Impact upon visual amenity**

45. 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. Furthermore, policy 8 of the Regional Spatial Strategy for the North East of England sets out that all development should be sympathetic to their surroundings.
46. In assessing the proposed extension against the above policy context, while it is acknowledged that the proposed extensions are a significant increase on the size of the original property it is considered that they would have an acceptable impact on the character of the surrounding area and host dwelling. This is primarily because the alterations are located to the rear of the dwelling leaving its principle elevation largely unchanged, with the exception of a two-storey side extension set back from the front elevation in a subordinate manner. When viewed from the highways Potters Bank it is considered that the scheme will provide for an attractive form of

development, replicating appropriate fenestration detailing. The building was also in a poor state of repair prior to the works commencing, and the alterations would improve the appearance of the dwelling overall.

47. Concerns have been raised regarding potential over development of the plot however it is considered that significant amenity space will remain for future residents to a similar level to adjacent properties. The refurbishments of the existing boundary walls are considered appropriate and will help enhance the property. Overall, it is considered that the extensions would have an acceptable impact within the street scene.
48. The changes to the garage now mean that it is set slightly further within the site and there has been a limited overall increase to its height. It is considered these alterations are minor in nature in the context of the overall scheme and would not have an adverse impact on visual amenity given the design would remain the same as the original approval.

### **Highways**

49. Policies T1 and T10 of the City of Durham Local Plan requires developments to achieve sufficient curtilage car parking and access arrangements. In this instance parking is available in the double garage to the rear of the site. An additional access is proposed to enable vehicles to enter and leave the site without reversing onto Potters Bank. This would be a significant improvement to the existing situation therefore the Council's Highways Officer has not objected to the scheme. They have advised that the new entrance would have to be constructed in appropriate manner and an informative would be added to this effect.

### **Ecology**

50. Paragraph 11 of the NPPF and policy 16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has produced a bat risk survey assessing the likely presence of bats within the building. The survey has concluded that there was a low risk of bats being present however the Council's Ecologist has recommended that the mitigation section of the report is conditioned as part of any approval.

### **Other considerations**

51. The majority of the concerns raised by neighbouring properties have been addressed in previous sections of the report.
52. The tree officer has assessed the application however due to ongoing building works at the site he was not able to gain access therefore it is not clear whether the existing tree on site has been sufficiently protected in accordance with BS:5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations. The Arboricultural Impact Assessment forms part of the approved plans therefore the developer would be expected to follow its recommendations. Notwithstanding this, the tree is not subject to any protection through a Tree Preservation Order or Conservation Area status. Hence, the applicant would not require consent to prune or fell. Comments have also been received from the Council's landscape officer suggesting that the applicant supplies a landscape plan with new tree, shrub and screen planting shown. However, a condition of this nature would not normally be requested on a scheme relating to an extension of an existing dwelling, and it is not considered appropriate to attach one in this case.

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## **CONCLUSION**

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53. 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. Overall on balance, while neighbouring residents would experience a reduction in the levels of amenity and privacy experienced at present, this is not considered sufficient to warrant refusal of the planning application given the site's characteristics, the orientation of the dwelling and separation distances achievable in line with planning policies.
54. The main point of contention for neighbouring properties relates to the garage element. Although it is acknowledged that it has not been built fully in accordance with the approved plans, the changes on site are considered to be minor in nature in the context of the overall scheme. As the garage has been set further away from boundaries within the application site this is considered to help to mitigate any impacts arising from the minor increase in height. Furthermore, the applicant would have the fall back position of implementing the garage as per the original approved plans. 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. No objection has been raised from the highways section as it is considered the new access arrangements will represent a significant improvement to the current situation.

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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; Design and Access Statement, drg. no. 701-01, drg. no. 701-02, drg. no. 701-03, drg. no. 701-04, drg. no. 701-05, drg. no. 701-06 Rev D, drg. no. 701-07 Rev C, drg. no. 701-08 Rev C, drg. no. 701-09 Rev C, drg. no. 701-10 Rev D, drg. no. 701-11 Rev C, drg. no. 701-12 Rev D, drg. no. 701-13 Rev B, Bat Risk Assessment by Dendra Consulting Ltd dated 25<sup>th</sup> May 2012, Arboricultural Impact Assessment by Dendra Consulting Ltd dated 25<sup>th</sup> May 2012 all received 12/10/2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q8, Q9, T1 and T10 of the City Of Durham Local Plan and Policy 8 of the Regional Spatial Strategy for the North East of England.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interest of the character, appearance and visual amenity of the surrounding area and to comply with policy Q9 of the City Of Durham Local Plan and Policy 8 of the Regional Spatial Strategy for the North East of England.

4. The detached garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Beckwood and shall not be occupied as a separate unit of residential accommodation.

Reason: In the interests of the visual amenity and privacy of neighbouring residents and to comply with policies Q8 and Q9 of the City Of Durham Local Plan

5. Notwithstanding the provisions of Class A, B, C and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-acting that Order) no extensions or alterations shall be carried out to increase the level of accommodation provided within the detached garage hereby approved.

Reason: In the interests of the visual amenity and privacy of neighbouring residents and to comply with policies Q8 and Q9 of the City Of Durham Local Plan

6. No development shall take place unless in accordance with the mitigation detailed within the protected species report titled Bat Risk Assessment by Dendra Consulting Ltd dated 25<sup>th</sup> May 2012 in particular Section 4.

Reason: To conserve protected species and their habitat in accordance with Policy E16 (Protection and Promotion of Nature Conservation) and NPPF Part 11 – Conserving and Enhancing the Natural Environment.

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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  
Regional Spatial Strategy for the North East of England – Policy 8 Protecting and Enhancing the Environment  
City of Durham Local Plan – E16 Protection and Promotion of Nature Conservation, Q8 Layout and Design – Residential Development, Q9 Alterations and Extensions to Residential Property, T1 Traffic – General and T10 Parking – General Provision

2. In particular the development was considered acceptable having regard to consideration of issues of residential amenity, visual amenity, highways, landscape and ecology.

3. The stated grounds of objection were not considered sufficient to lead to reasons to refuse the application. Although it is acknowledged that the garage as built deviates from the originally approved plans in terms of its siting and scale, in the context of the development these changes are considered to be relatively minor in nature. It is therefore not considered that it adversely impacts on amenity to an extent that would warrant refusal as the proposals are considered to be in accordance with planning policy.

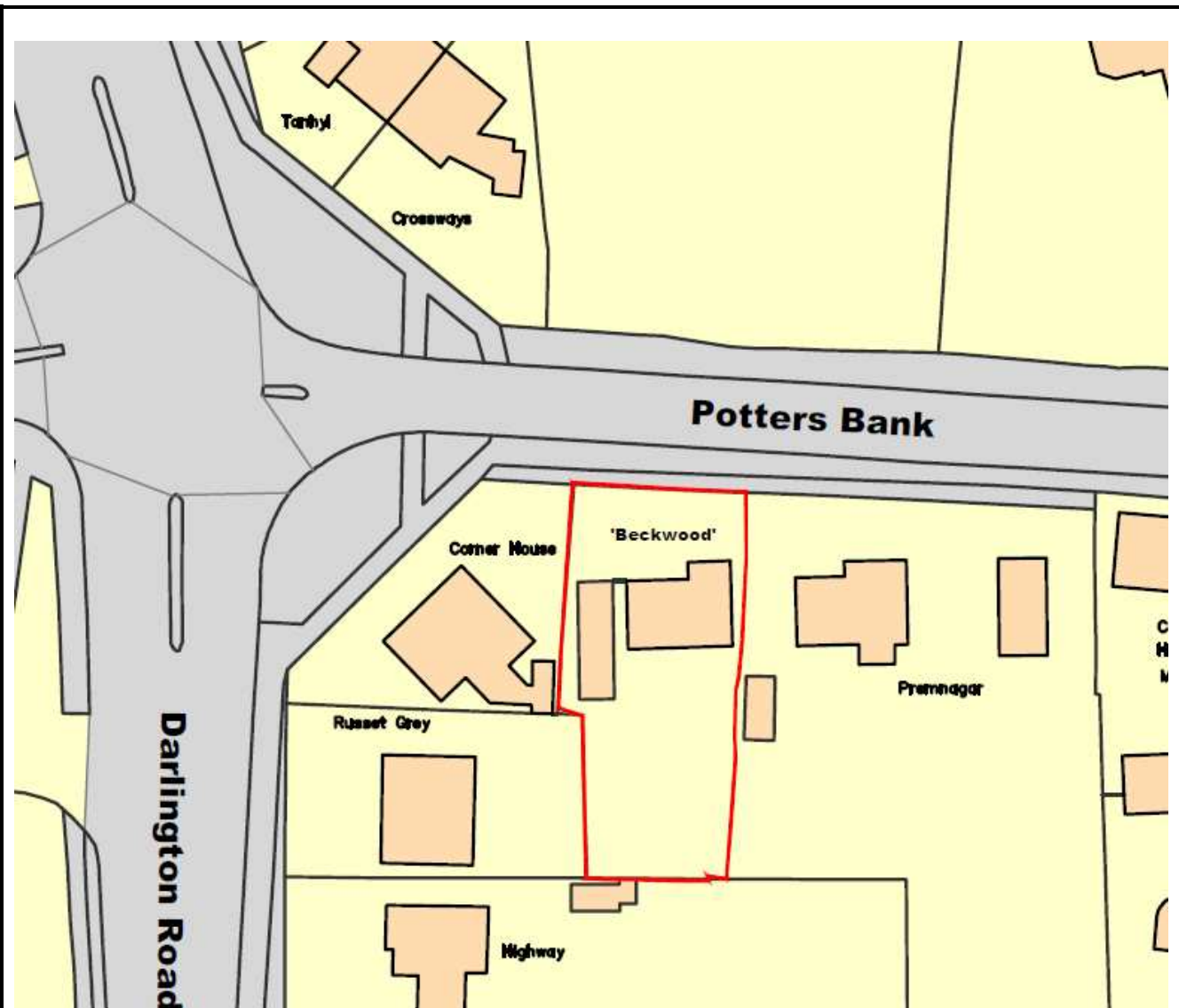
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## **BACKGROUND PAPERS**

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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

**ERECTION OF TWO STOREY EXTENSION TO SIDE AND REAR OF PROPERTY, INCLUDING SINGLE STOREY SUN ROOM TO REAR, INSERTION OF NEW WINDOWS IN FRONT ELEVATION OF DWELLING, REBUILDING OF BOUNDARY WALLS AND REPLACEMENT OF DETACHED GARAGE (PART RETROSPECTIVE RESUBMISSION) AT BECKWOOD, POTTERS BANK, DURHAM, DH1 3PP**

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**Comments**

**Date** 11/12/2012

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## Planning Services

# COMMITTEE REPORT

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### **APPEAL UPDATE (STRATEGIC TEAM)**

#### APPEALS RECEIVED :

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#### **1. Appeal by Mr Dolan Jnr. (Planning Application No. CMA/5/33)**

An appeal has been made against the County Council's refusal of planning permission on 23 July 2012 for a site to accommodate 3 caravans, 2 dayrooms (to be accommodated in the existing hay store), the erection of 3 bedroom chalet and stable block at Greenacres, Salters Lane, Haswell.

The appeal will be dealt with by means of a hearing on a date yet to be confirmed.

Those individuals who commented on the planning application have been notified about the appeal by letter and invited to make any additional comments direct to the Planning Inspectorate.

Notice of the Inspectors decision will be reported to the committee in due course.

#### **Recommendation:**

That the report be noted

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