



Area Planning Committee (Central and East)

Date Tuesday 10 June 2014
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 13 May 2014 (Pages 1 - 8)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/14/00041/FPA - Former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN (Pages 9 - 26)
80 Dwellings with associated infrastructure, landscaping and car parking.
 - b) DM/14/00264/FPA - Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ (Pages 27 - 42)
Redevelopment of Nevilles Cross Social Club to provide student accommodation.
 - c) DM 14/00352/FPA - Grange Farm, Old Cassop (Pages 43 - 56)
Private dwelling house.
 - d) DM/14/00516/FPA - 51 The Avenue, Durham, DH1 4EB (Pages 57 - 66)
Change of use to HMO (Sui Generis).

- e) DM/14/01010/FPA - 57 Ocean View, Blackhall Rocks, Durham
(Pages 67 - 72)
Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension (Resubmission).
 - f) DM/14/01021/FPA - 68 Whinney Hill, Durham, DH1 3BD (Pages 73 - 80)
Single storey rear and side extension.
 - g) DM/14/01023/FPA - Former Cinema, The Avenue, Coxhoe, Durham, DH6 4AA (Pages 81 - 90)
Partial demolition of former cinema and erection of 5 no. dwellings with associated works (Resubmitted).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

2 June 2014

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

Councillor P Taylor (Chairman)
Councillor A Laing (Vice-Chairman)

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson,
K Dearden, D Freeman, S Iveson, C Kay, J Lethbridge, R Lumsdon,
B Moir, J Robinson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in The Glebe Centre, Murton on **Tuesday 13 May 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, S Iveson, J Lethbridge, B Moir, C Kay, R Lumsdon and H Bennett (substitute for A Laing)

Also Present:

Baxter, N Carter (Solicitor - Planning and Development) and A Dobie (Principal Planning Officer - Easington Area Office)

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, K Dearden, A Laing and J Robinson.

2 Substitute Members

Councillor H Bennett substituted for Councillor A Laing.

3 Minutes of the Meeting held on 8 April 2014

The minutes of the meeting held on 8 April 2014 were confirmed as a correct record and signed by the Chair, subject to the date of the meeting being amended to read 8 April 2014, rather than 11 March 2014.

4 Declarations of Interest, if any

Councillor P Conway indicated that he was a member of Belmont Parish Council, but had taken no part in any discussion on application no. DM/14.00053/FPA when it had been considered by the Parish Council.

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

5a DM/14/00053/FPA - Bristol Street Motors, High Street, Carville, Durham, DH1 1AU

The Committee considered the report of the Senior Planning Officer regarding an application for demolition of the existing showroom and offices, new build showroom and refurbishment of existing workshop at Bristol Street Motors, High Street, Carrville (for copy see file of minutes). Members had visited the site prior to the meeting and were familiar with the location and setting.

The Senior Planning Officer gave a detailed presentation on the application and advised Members of the following updates since preparation of the report:

- A coal mining risk assessment was required by the Coal Authority. If the Committee approved the application, an appropriate condition would be included.
- In relation to the proposed condition no. 4, the words 'and no loading or unloading of vehicles shall take place on the public highway' should be deleted so that the condition met the relevant tests for planning conditions.

Councillor B Howarth addressed the Committee on behalf of Belmont Parish Council, indicating that the Parish Council's views had been influenced by listening to the views of local residents. Commenting on the application had, however, been difficult due to the amount of new information and changes made during the application process.

The Parish Council was concerned about land ownership issues and a restrictive covenant on the site. Although a revised site plan had been submitted which retained the landscaping strip, the plan referred to in the condition was the original. The Parish Council requested details of the land ownership be investigated before the application was determined.

Also of concern to the Parish Council was the impact on trees and hedges, with the Council requesting a condition requiring compensatory screening on the boundary with 1 and 2 Fallsway if the existing hedge was to be removed.

Clarification was sought on the proposed roof height as there was a discrepancy between the plans and the design and access statement, while obscure glazing to the first floor windows overlooking Fallsway and Kirkstone Drive should be considered to safeguard residents' privacy.

The guarantees on operations and opening and closing of the shutters was welcomed, residents experienced noise and disturbance from deliveries to the site, particularly early on a morning. The Environmental Health Officer had requested a condition on working hours during development and the Parish Council also sought a condition restricting delivery times to the site following its completion.

A report had been produced by Oil Salvage Ltd in relation to hazardous chemicals and effluent which would be on site and a condition requiring the report's recommendations to be implemented was required while the intensive lighting scheme, in particular the 4 columns proposed for the south of the site, being problematic.

The removal of the wall which formed the current boundary to Kirkstone Drive was against residents' wishes and the proposed hoop boundary marking would have a major impact as residents would be exposed to the activities on site. The existing wall provided both visual and acoustic protection and its removal would result in a loss of amenity for nearby properties. Furthermore, the hoop bollards would encourage customers to park on Kirkstone Drive in order to view the vehicles on display. Kirkstone Drive was one of two access points to the estate and had a steady flow of traffic. The Parish Council therefore requested that a 1.8m wall be provided along this boundary, with hoop bollards only permitted to the High Street site.

Parking on site would cause issues as 56 spaces were proposed for staff, but the business had 78 employees. Staff parking would overspill onto High Street and Kirkstone Drive, and the Parish Council felt that sufficient parking should be available for staff on site to prevent this.

In relation to access by car transporters, the application stated that these would be able to access, turn and leave the site forwards, but the Parish Council were concerned as to whether drivers would be informed of this. A condition requiring this was imposed on the planning consent granted in 2004 however no enforcement had taken place, with delivery vehicles off-loading on double yellow lines and being abusive to residents when asked to move.

In summary, the Parish Council had raised a number of issues in seeking to protect the area and safeguard residents' amenity. Measures had been suggested to overcome problems, however until a satisfactory solution could be agreed, the Parish Council requested the application be refused as contrary to policies H13, EMP11 and T1 of the City of Durham Local Plan.

In response to issues raised by Councillor Howarth, the Senior Planning Officer reminded Members that covenants and land ownership were not matters for the Committee to take into account.

A tree survey had been submitted, and some hedging was to be removed to make way for a car wash, however Officers considered this aspect to be acceptable and not adversely impact on residential amenity. Separation distances between first floor windows and properties in Fallsway were 21 metres which met requirements, while proposed conditions sought additional information in respect of noise attenuation measures and the lighting scheme.

Deliveries to the site took place out of hours. There were no current restrictions on delivery times and this would continue to be the case whether the application was approved or not.

The treatment to the south boundary would be a 1.8m fence in part and then hoped bollards to the remainder. The existing brick wall screened operations however it was proposed to move workshop operations to the far side of the site and in the Officer's opinion, the proposed boundary would be an improvement on the current situation.

In relation to staff parking, the site would be able to accommodate 226 vehicles in total with a maximum of 105 for sale. The applicant had indicated that they intended to have only 85 vehicles for sale to allow room for manoeuvring within the site, while 66 spaces would be available for staff and garage parking. A condition in relation to parking and manoeuvring was also proposed.

Mr K Holroyd then addressed the Committee, indicating that he was speaking on behalf of local residents.

He commented that residents to the west of the site had not been notified of the application by the County Council although their amenity would be affected by the change in the height and position of the workshop building.

To the east of the site, a number of vehicles were displayed on land which was leased by the applicants, however their lease of the site was coming to an end. It was felt that this application resulted from the future loss of this area of land which formed a highly visible area for the sale of cars. It was a condition of the current planning permission for the site, and the application being considered proposed a similar condition, for transporters to be off-loaded within the site, however it was often the case that drivers off-loaded on roads neighbouring the site, blocking access to one of only two routes into and out of the estate. In any event, without the leased area of land, the entrance to the premises would not be wide enough to allow entry for cars or transporters.

Residents living to the north of the site had, again, not been informed of the proposal by the County Council which was concerning as these people would be disturbed by noise and light pollution and would suffer an increase in windborne dust and chemical pollution.

To the south of the site was a housing estate where 431 adults lived. The majority of these used Kirkstone Drive as this was the closest entrance to the motorway, A690 and High Street. This entrance was very congested at times and this congestion would increase if people were to use the road when viewing the vehicles displayed on site.

In conclusion, Mr Holroyd commented that there were so many unresolved issues associated with this application, that any decision to approve it would be untenable. He questioned whether the County Council had fulfilled its legal obligations in respect of notification of the application and advised that the application required Bristol Street Motors to implement actions it was not able to legally undertake at present. He therefore asked the Committee to defer any decision until these matters had been resolved.

Responding to the points raised by the speaker, the Senior Planning Officer advised that the application had been advertised by way of a site notice, press advert and notification letters to properties adjacent to the site in line with statutory requirements.

The Highways Officer explained to the Committee that whether the applicant had sufficient land to provide access was a private matter and not an issue for the Committee to consider when determining the application.

Mr A Mitchinson, the Applicant, addressed the Committee indicating that the company had listened to the views of residents during the process and had tried to resolve these, hence the additional information provided. He explained that he was happy to answer any questions the Committee may have.

Councillor Conway noted that planning was about making judgements. The Officer's view was that this proposal would not adversely affect residential amenity; having been on the site visit, however, Councillor Conway explained that he could understand the strength of feeling from residents that there would be an impact on their amenity. Although a condition requiring transporters to off-load within the site was proposed, a similar condition was in existence from 2004 yet it had not been adhered to. In relation to the boundary wall, while there were differences of opinion on its aesthetic value, its removal would have an adverse effect on residential amenity; the business was encouraging viewing along that part of the site and potential customers would look for the easiest parking place from which to window shop, rather than using the customer parking area on site. Properties in Fallsway would be impacted due to the relocation of the valeting and garage operations and appropriate screening should be conditioned.

In view of the outstanding issues, Councillor Conway moved that the application be deferred until these matters had been resolved.

Responding to the points raised, the Senior Planning Officer confirmed that the proposed conditions 4 and 5 would control what took place on site in terms of delivery vehicles and manoeuvring, and that there was sufficient space for a transporter to enter the site, unload, turn and leave the site in a forward direction. The amendment to the condition reflected the fact that the use of off-site highways could not be controlled by a planning condition.

The Highways Officer advised that enforcement of parking restrictions now rested with the County Council, and he was not aware of any complaints in relation to the double yellow lines in Kirkstone Drive.

The Solicitor advised the Committee that the Local Planning Authority was not able to control through conditions actions on the public highway. Where a condition was being breached, a range of enforcement powers were available however the enforcement of existing conditions was a separate matter to the application before the Committee.

There was a current, established use of the site which was not subject to planning controls. The existing uses had an impact on the surrounding area and the Committee had to assess whether additional impacts would be caused if this application were to be approved and, if so, whether those would be sufficient to justify refusal of the application.

Councillor Moir indicated that he supported the Parish Council's views and felt that the impact of the development would be significant enough to justify a refusal of the application as being contrary to policies H13 and EMP 11 of the Local Plan.

Councillor Kay noted the Solicitor's advice and commented that he could see no additional impacts, over and above the existing, which the development would cause. There were currently no restrictions on delivery hours and the ability for transporters to manoeuvre on site would be an improvement, while parking on double yellow lines was a matter for highway enforcement. He could therefore see no reason to defer consideration of the application.

Councillor Lumsden expressed the view that removal of the wall would result in increased impacts from noise and light, and suggested that an appropriate fence would offer a solution. In response, the Senior Planning Officer explained that the proposed boundary treatment was hooped bollards, but if the applicant was agreeable a condition could be included requiring details of the boundary treatment to be agreed with the Local Planning Authority.

The Applicant advised that the application had been made so that the business could modernise to meet Ford's corporate standards. Positioning of the various aspects on site was important, but they would be agreeable to a condition along the lines suggested by the Senior Planning Officer in relation to boundary treatment and would consider alterations to the windows arrangement.

Councillor Conway noted that the business had been on site for over 40 years and commented that he was heartened that the business would be improved visually, however he felt that the outstanding issues should be resolved before the application was determined.

Councillor Bleasdale supported Councillor Kay's comments and moved the recommendation for approval, while Councillor Lethbridge commented that the site looked tired and would benefit from improvements. The wall was far from aesthetically pleasing and the site was to be invested in by a long established company. He struggled to see what additional impacts would be if the application was approved and he therefore seconded the motion to approve.

Councillor Clark echoed the views of Councillor Conway, noting that residents seemed to prefer the existing wall to the proposed bollards. The suggested condition in relation to working hours on site would permit development between 8am and 6pm which could cause difficulties as traffic levels around the estate would be high early on a morning and Councillor Clark suggested consideration should be given to adjusting these timings.

In any event, while it could not be assumed that problems would occur, she felt that it was important that the outstanding issues be resolved and supported deferral of the application.

Councillor Davinson suggested that if a fence could be installed along the Kirkstone Drive boundary, the site would still be visible from the main road, and the impact on residents would be lessened. If this could be agreed, he felt that the application could be supported.

A motion to defer the application having been moved and seconded was put to the vote, with 3 in favour and 7 against. The motion for approval subject to the amendment to condition no. 4 and additional conditions in relation to boundary treatment and first floor windows was then voted upon.

Resolved: That the application be **APPROVED** subject the conditions as set out in the report with the amendment to condition no.4 and additional conditions in relation to boundary treatments, window arrangements and a coal mining risk assessment.

5b CE/13/01221/FPA - Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham

The Committee considered the report of the Principal Planning Officer regarding an application for the erection of a canopy and retrospective erection of a store extension and widening of rear access at Wheatley Hill Service Station, Durham Road, Wheatley Hill (for copy see file of minutes). Members had visited the site and were familiar with the location.

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

Councillor M Nicholls, one of the Divisional Members, was unable to attend the meeting but had provided comments. There was still concern regarding the problems caused by vehicles entering the site from the bypass and leaving by the rear exit and returning to the bypass via South View and Sandwich Terrace. The bypass had been constructed to reduce traffic in this part of Wheatley Hill, an area where there had been numerous fatalities and he asked the Committee to consider these views.

Mr J Hedley, a local resident, addressed the Committee objecting to the application. He commented that both the site owners and the County Council were aware of the problem with the entrance/exit from the garage onto the A181 and the owner of the petrol station had decided that heavy goods vehicles leaving the site should exit onto an unclassified road, the quality of which was inferior. HGVs were travelling along Wingate Lane which had been an accident blackspot before the bypass had been built. The police had also confirmed that use of the road by large vehicles was inappropriate.

A survey carried out in December showed infrequent use of the road by HGVs however residents had carried out their own survey of unsuitable vehicles and had contacted the owners directly. Each company had since directed their drivers not to use this route, but with changes in personnel this could not be guaranteed in the future.

The road surface was not maintained by the County Council and did not benefit from winter maintenance and the use of the rear exit would not be necessary if the garage created a wider turning area to allow HGVs to turn and exit on to the A181.

The Highways Officer responded that the County Council disagreed that use of the road by HGVs was inappropriate; the road was a public highway and any vehicle was permitted to use it. A survey in December 2013 showed that of 700 vehicles a day using the road, less than 1% had been HGVs.

The County Council had a duty to maintain the road and would repair it if it deteriorated. The road was regularly assessed by highways inspectors and members of the public were able to report any issues to the Highways Action Line.

From a highways point of view, use of the road was acceptable and the applicant had the appropriate licence to improve the access onto the public highway.

A number of Members queried why the access had been retained following the construction of the bypass and suggested that it should in fact be closed, in response to which the Highways Officer advised that there was a history of accidents at the A181 junction, but not on Durham Road. The bulk of the traffic using the rear access was local traffic which used the route to avoid having to return to the A181 for a short time before turning into the village. The benefit of this access was that it removed 700 vehicles per day from an area with a history of accidents.

Councillor Lumsden commented that she could appreciate residents' concerns, but the route was used by many people to avoid what was a tricky manoeuvre onto the A181. The route around the garage site was tight, but there was land that could be used to widen it so that HGVs could more easily exit onto the A181.

Councillor Conway echoed Councillor Lumsden's views, commenting that the route was useful for local traffic. If a height restriction could be imposed, then the problem of HGVs could be resolved.

Councillor Lethbridge agreed that a larger turning area for HGVs within the garage site would be beneficial, with Councillor Clark moving and Councillor Kay seconding deferral of the application until such time as measures to minimise use of the rear exit by HGVs had been explored.

Resolved: That the application be **DEFERRED** to allow the applicant and Local Planning Authority to consider measures to minimise use of the rear access by HGVs.

Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	DM/14/00041/FPA
FULL APPLICATION DESCRIPTION	80 Dwellings with associated infrastructure, landscaping and car parking
NAME OF APPLICANT	Persimmon Homes
SITE ADDRESS	Former Council Offices, Seaside Lane, Easington, County Durham, SR8 3TN
ELECTORAL DIVISION	
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

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

1. This application site lies within the settlement boundary and Electoral Division of Easington on the site of the former District Council Offices. The majority of buildings on the site have been demolished apart from some small buildings in the south east corner of the site. As such, the site is previously developed, brownfield land.
2. The site is rectangular in shape, measures approximately 2.1 hectares and slopes from east to west by approximately 11 metres. It is situated on land to the south east of the Seaside Lane and Thorpe Road Junction and is surrounded on all sides by residential properties. Directly to the west of the site is the Easington Village Conservation Area. In the central part of the site adjacent Seaside Lane there is a memorial garden which remembers former district councillors, this garden and a significant number of mature trees within the garden and along the boundary with Seaside Lane would be retained as part of the proposals.
3. There are numerous community facilities nearby including primary and secondary schools, shops, a post office and healthcare facilities. There are also bus stops on Seaside Lane directly outside of the application site with frequent services to Hartlepool, Sunderland and Durham.

Proposal:

4. This application seeks full planning permission for the erection of 80 dwellings with associated infrastructure, car parking and landscaping. The density of the site would be approximately 38 dwellings per hectare and would be made up of 62 no. 2 bedroomed dwellings and 18 no. 3 bedroomed dwellings which would be a mix of 2 and 2.5 storeys in height. Of these 80 dwellings, 8 would be affordable in the form of

6 affordable rented dwellings and 2 discounted sale dwellings thus meeting the requirement in East Durham for 10% of housing development to be affordable.

5. The layout of the development would be a simple “L” shaped layout which is constrained by the requirement to retain the memorial garden and the mature trees which run alongside Seaside Lane. Access to the site would be gained from two points, one on Seaside lane to the north of the site and one from Thorpe Road to the west. The proposed footpath network would integrate into the existing network with a new pedestrian access being created from the site to the bus stop on Seaside Lane.
6. The design of the dwellings would be traditional, using a red facing brick and grey concrete tiled roof. The dwellings would be a standard Persimmon product, but would be the higher quality ‘village’ style house type rather than the standard which would involve the use of traditional materials including coloured entrance and garage doors, entrance canopies and feature chimney pots on some of the properties.
7. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

8. This site has a long history of development beginning in the mid nineteenth century when a union workhouse was present on the site. The site was then extended to include a hospital and then Board Offices and finally the site became the home of Easington District Council which was recently closed due to the creation of the new Durham County Council.

PLANNING POLICY

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. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system

needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

13. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *Part 8* - 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.
16. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

LOCAL PLAN POLICY:

District of Easington Local Plan

18. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
19. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

20. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
21. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
22. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
23. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

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>

EMERGING POLICY:

24. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
25. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
26. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or 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 such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
27. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
28. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and

direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. Easington Village Parish Council object to the proposed development as the housing allocation in the emerging County Durham Plan is only 63 dwellings rather than 80. This is a concern due to the increase in traffic that the proposals would generate. There are also concerns about the loss of trees on the site and request that a Tree Preservation Order is put in place. There are also concerns about school places in the area and that the development would put further pressure on local schools.
30. Northumbrian Water have no objections to the proposals on the basis that a condition is imposed which would control rates of surface and foul water discharge.
31. The Environment Agency have no objections to the proposals on the basis that conditions are imposed with regard to contaminated land.

INTERNAL CONSULTEE RESPONSES:

32. The Highways Officer initially requested amendments to the layout of the development and the number and location of car parking spaces. Amended plans have been received and the Highways Officer has confirmed that the proposals are now acceptable from a highways point of view.
33. The Sustainability Officer has no objections to the proposals and has commented that the site is in a sustainable location for residential development.
34. Landscape Officers do not object to the proposals but have commented on the need to ensure some of the most important trees on site are protected.
35. Housing Officers have confirmed the need to provide 10% affordable housing on the site.
36. Tree Officers have no objections to the proposals but have requested that the trees that are to be retained are protected throughout the construction process.
37. Design Officers do not object to the proposals but have raised a number of concerns with the applicant during the application process. The developer has made a number of amendments to the scheme in light of these concerns.
38. Economic Development Officers have requested that a scheme of Targeted Recruitment and Training is secured in order to improve local training and job opportunities.
39. Pollution Control Officers recommend that a remediation strategy is conditioned to ensure any contaminated land is appropriately removed. In addition, hours of construction should be limited in order to ensure that nearby residents do not suffer undue disturbance.

40. Archaeology Officers have no objections subject to a programme of archaeological work being carried out and the results of such work deposited at the County Durham Historic Environment Record.

PUBLIC RESPONSES:

41. Two letters of objection have been received from nearby residents. The main areas of concern are that the proposals would lead to an increase in traffic and congestion, that the proposals would put pressure on school places in the area, that the loss of trees on the site would be unacceptable and that there would be a loss of residential amenity.

APPLICANTS STATEMENT:

42. This development offers the opportunity to create a new sustainable residential development within the core of Easington Village. The proposal is for 80 units across a mix of two, three and four bedroom properties and includes a 10% affordable housing provision in line with the emerging planning policy to provide an excellent range and choice of dwellings to satisfy current and future residential requirements within Easington and also the wider County Durham area.
43. From the onset we have engaged with Durham County Council throughout the planning process resulting in the scheme being revised multiple times in response to feedback and we are now satisfied that the scale and form of development, as well as the proposed housing mix is appropriate within this locality. The proposals shall develop an urban infill site within the centre of Easington, creating a new, attractive residential development for the village.
44. Public consultation has been carried out through which a number of concerns were raised. Through adaptation of the proposal and responses to these concerns, which are available within the accompanying Statement of Community Involvement, we are confident that there are no outstanding issues regarding the development.
45. The site's location within an existing residential area of Easington ensures that the site is highly sustainable with good access to a wide range of social and community facilities. Furthermore, existing public transport routes directly adjacent to the site provide frequent services to key retail and employment opportunities within the village and beyond.
46. The site is included in the County Durham Local Plan in Policy 30 as a preferred housing site and is allocated on the proposals map. The Local Plan was submitted on the 25th April 2014 for examination by an independent planning inspector with the site included. Development on the application site would therefore accord with the Council's emerging policy in the County Durham Plan.
47. Finally, the impacts of the development have been mitigated via a planning gain package which includes an offsite Recreation/Leisure Contribution in addition to the 8 affordable housing units that shall be provided on site.

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

PLANNING CONSIDERATION AND ASSESSMENT

48. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
49. In this instance, the main relevant considerations are the principle of the development, highways issues, impact on surrounding residents and the street scene, affordable housing, ecology and trees and archaeology. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments recently published National Planning Policy Framework (NPPF) and the emerging County Durham Plan.

Principle of the development

50. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location, degree of accordance with existing and draft proposed policies and whether it is justifiable to permit an application on this site to come forward ahead of the County Durham Plan examination and adoption.
51. The existing local planning framework (Easington Local Plan) is to be superseded by the emerging County Durham Plan. The Council's Preferred Options report has been through significant public consultation with the application site promoted as a preferred housing allocation. When determining potential housing allocations in the emerging plan due regard has been given to the principles set out in NPPF with the objective of securing sustainable development. The NPPF is most relevant to the consideration of this proposal in advance of the emerging plan, being the most up to date planning policy framework.
52. At the heart of the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out five positive improvements to be sought which include;
 - Moving from a net loss of bio-diversity to achieving net gains for nature
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes.
53. It is considered that the development of the land in question has the potential to deliver these improvements. In addition to the above, the NPPF encourages the reuse of brownfield land such as this application site and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. The proposed development site is considered to be a highly sustainable location for residential development given its location in the centre of Easington Village with good access to community facilities such as schools, healthcare provision, shops and public transport links.
54. The NPPF is an important material consideration for planning decisions and it is worthwhile noting at this stage that the County Durham Plan concurs with the NPPF's aspiration to deliver sustainable growth.

55. Overall, officers consider that the submitted scheme does not conflict with or undermine the objectives of the existing planning policy framework for the area or the emerging County Durham Plan. As such, subject to technical matters being addressed there are no planning policy objections to the principle of the development coming forward in advance of the new Plan subject to the applicant first entering into an appropriate s106 legal agreement. The proposal is also not considered to be in conflict with the NPPF and it is considered to constitute sustainable development and on balance the principle of the development is considered acceptable.

Highways issues

56. The proposed development would be served by two access points, one from Seaside Lane to the north of the site and one from Thorpe Road to the west. Both of these access points were in place and were utilised by staff and visitors to the former District Council Offices. Highways Officers have been consulted as part of the application process and initially raised some concerns with the layout of the proposed development and the location and numbers of parking spaces. Since these comments were made the plans have been amended to show additional parking spaces on site and some technical alterations to junction radii, as a result of these amendments Highways Officers have confirmed that the proposals are acceptable from a highways point of view and have raised no concerns regarding traffic congestion or highway safety issues.
57. It is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Impact on surrounding residents and the Street Scene

58. In terms of the impact on the amenity of existing residents who surround the site, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing. In terms of the privacy distances between dwellings within the proposed site, there are relatively few instances where these standards are not met, however, the shortfall in the distances involved does not give rise to any significant planning concerns, especially given that the site is constrained by the need to retain significant numbers of trees and the memorial garden.
59. In terms of the street scene it is considered that the scheme is of a good quality, as noted above the scheme would retain a significant number of trees and dwellings would face the main roads of Seaside Lane and Thorpe Road resulting in an active frontage and pleasant street scene. The house types have been chosen to reflect the fact that the site is adjacent to the Easington Village Conservation Area as the developer has chosen to use their 'village' house type rather than their standard product. This would involve the use of traditional materials and features such as chimneys, feature doorways and traditional metal railing enclosures.
60. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is now a derelict site. The proposals would retain a significant

number of trees and the memorial gardens leading to a pleasant outlook for existing and future residents. On balance having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

Affordable housing

61. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
62. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.
63. The applicant has agreed to provide 10% affordable housing on site in the form of 6 affordable rent and 2 discounted market sale units and therefore the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Ecology and trees

64. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
65. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
 - That there is no satisfactory alternative
 - That the population of the species will be maintained at a favourable conservation status in their natural range
 - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
66. The applicant has submitted a habitat survey which has been assessed by the Council’s ecology officers. The survey has found that three bat roosts are present on the site. Bats are a European Protected Species and therefore there is a requirement to obtain a licence from Natural England which has been highlighted in the mitigation section of the ecology report which ensures that no demolition to

buildings where the bat roosts are located will be carried out before the licence is obtained.

67. In applying the derogation tests, it is considered that there is no satisfactory alternative; in carrying out the demolition of the existing building, any bats present must be moved. It is also considered that the displacement of bats from the three roosts identified will not be detrimental to the overall population levels of the species in the area and that the proposed development will bring about overriding economic and environmental benefits. In particular, the direct and indirect economic benefits of housing development are well documented and it is of note that a programme of Targeted Recruitment Training is to be secured. The removal of a derelict building will result in a significant visual improvement to the streetscene. A condition will also be required which would ensure demolition and construction is carried out in accordance with the recommendations in the submitted habitat survey and that no demolition can be carried out until an EPS Licence has been obtained. Subject to this condition, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF. It is also considered that as there is a possibility of a EPS licence being granted, the LPA has discharged its duties under the Directive and Regulations.
68. In addition to the assessment of protected species, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
69. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI). and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
70. In order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant has proposed to provide a financial contribution toward the provision and upgrading of footpaths in the area, designed to attract more visitors by providing an enjoyable natural environment for recreation as an alternative to the designated sites on the coast. This contribution is to be secured through a S106 Agreement.
71. As such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.
72. In addition to the above, it is noted that there are a number of mature trees and in and around the site, including in the memorial garden which are of high amenity value in the street scene. Given the proximity of the proposed development it is considered that a further condition should be imposed which requires these trees to be protected during construction and retained thereafter?. Subject to this condition it is considered that the proposals would be in accordance with part 11 of the NPPF.

Archaeology

73. As noted in the planning history earlier in the report. The application site was once the site of a workhouse along with a hospital and mortuary. Archaeology Officers have recommended that the applicant consider the impact of these former buildings on the development site (although the mortuary was located on the site of the memorial garden which is not to be developed).

74. Given the past history of the site, officers recommend that ground works in sensitive areas and particularly in the area where the earliest workhouse structures were located be monitored by archaeologists.
75. It is considered that this work should be ensured via a condition. Subject to this condition it is considered that the proposals would accord with part 12 of the National Planning Policy Framework which seeks to protect sites with archaeological potential.

CONCLUSION

76. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this identified allocation which is a brownfield site within the settlement boundary of Easington. Officers consider that the development constitutes sustainable development, the key theme running through the NPPF and that the development does not conflict with the emerging County Durham Plan nor cause harm coming forward in advance of this plan. The principle of the development can therefore be accepted.
77. Several other key considerations apply to the site other than the principle of the development namely matters of highways, impact on the character and appearance of the area, affordable housing, ecology, trees and archaeology, all of which have been fully considered as part of the application process.
78. For the reasons set out in this report the scheme is considered to be in a sustainable location for residential development and would contribute toward an identified housing need in the area including provision of affordable housing on site.
79. The development would provide employment opportunities for local people through securing targeted employment and training programmes as part of the legal agreement as well as enhanced play and footpath provision, improving the recreational offer for existing and future residents.
80. It is considered that the contribution the development will make toward meeting the housing and infrastructure needs of all sectors of the community and the investment and regeneration the development would bring to the area should be afforded significant weight in the determination of this application. Therefore the principle of bringing this site forward for residential development ahead of the County Durham Plan is acceptable and would not undermine future strategic objectives for the area.

RECOMMENDATION

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

- i. 10% affordable housing on site.
- ii. £40,000 towards play and recreation in the Electoral Division of Easington
- iii. £15,000 towards the provision and upgrading of footpaths in the Electoral Division of Easington
- iv. A programme of Targeted Recruitment and Training

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 only in accordance with the approved plans and specifications contained within:

Proposed Site Layout SSL-001 Rev B

Tree Protection Plan PH_Easington_AIA1.1

Proposed Landscape Masterplan SSL-003

Proposed Materials Layout SSL-002

Plans and Elevations: Hatfield (Village) HT-WD06
 Kendal (Village) KL-WD06
 Morden (Village) MR-WD06
 Moseley (Village) MS – WD06
 Roseberry (Village) RS-WD06
 Rufford (Village) RF-WD06
 Souter (Village) SU-WD06

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

4. The approved development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Patrick Parsons Consulting Engineers dated October 2013 and the mitigation measures detailed within the FRA. The relevant mitigation measures shall be fully implemented prior to occupation of the first dwelling.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

5. No development shall be commenced until details of trees which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details throughout the construction of the development and those trees identified for retention shall be retained

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

6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Extended Phase 1 Survey prepared by E3 Ecology Ltd (19th November 2013) and no demolition of any buildings containing bat roosts shall be carried out without first obtaining a European Protected Species Licence.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that 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 for each phase 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 comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

8. Prior to the occupation of the first dwelling, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy for that phase shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

9. Prior to the commencement of development a scheme to minimise energy consumption in relation to that phase 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.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge

planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of each phase of development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

11. 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 order to protect the amenity of residents living in the approved development and in accordance with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

12. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing 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 saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

13. The development hereby approved shall be carried out in full accordance with all protection measures, advice and recommendations within the Arboricultural Impact Assessment prepared by Dendra Consulting Ltd (29th April 2014).

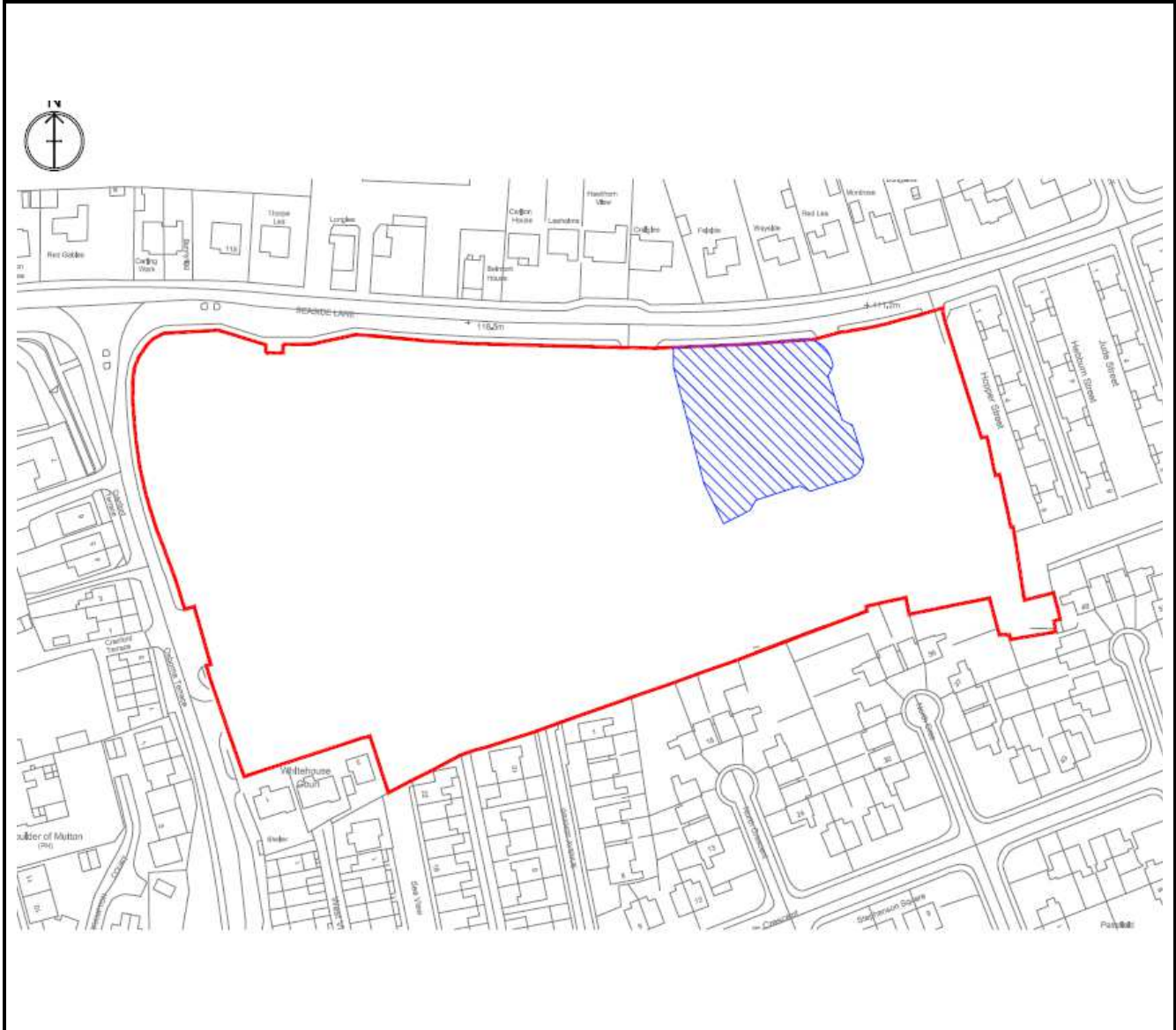
Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- County Durham Plan Pre-Submission Draft
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Proposed **80 Dwellings** and associated infrastructure at the former Council Offices, Seaside Lane, Easington Village, County Durham

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Comments

Date June 2014

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	DM/14/00264/FPA
FULL APPLICATION DESCRIPTION	Redevelopment of Nevilles Cross Social Club to provide student accommodation
NAME OF APPLICANT	Angel Homes
SITE ADDRESS	Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ
ELECTORAL DIVISION	Nevilles Cross
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS**The Site**

1. This application site is located within the Electoral Division of Nevilles Cross. It is also in Durham City Centre and within the Durham City Conservation Area, both as defined in the City of Durham Local Plan.
2. The proposed site for redevelopment is a prominent plot extending to approximately 0.13 hectares and is situated on the junction of Crossgate Peth and Newcastle Road on one of the main routes into the main City Centre area approximately one mile to the west. The site has frontages on Crossgate Peth, George Street and Cross View House. The surrounding area comprises a number of different uses, predominantly residential but there are also light industrial, commercial and retail uses near the site. The scheduled monument of Nevilles Cross is adjacent the site to the east.
3. The site is currently occupied by the Neville's Cross Social Club building which is now vacant and in disrepair due to the social club relocating.
4. The existing building is made of red facing brickwork with the majority being a later addition in a 1960's modern style but of little architectural merit. The original portion of the building that would be retained is constructed from red facing brickwork and a slate roof and is an attractive example of a traditional Victorian villa.

The Proposal

5. This proposal seeks to convert and extend the former Nevilles Cross Workingmens Club to create student accommodation. It is proposed to demolish the existing

function rooms and construct 3 new dwellings and refurbish the existing building to create 3 further dwellings, resulting in 6 dwellings with a total of 33 bedrooms for student accommodation. Each residential unit would have separate kitchen and sanitary facilities with communal storage areas located on the ground floor and bin storage located in the former beer cellar.

6. The work to the original Victorian building would involve the restoration and reinstatement of original window and door details. The new units would involve similar fenestration patterns and reflect the style of the original Victorian building. Externally, the frontage would be resurfaced using tarmac to provide nine parking spaces, bin and cycle stores and grassed amenity areas. The trees and wall adjacent the boundary would be retained.
7. This application is being referred to Committee at the request of local members.

PLANNING HISTORY

8. In 2011 an application was received for the part change of use of the social club building to retail, to allow the sale of wines, beers and spirits with external alterations involving provision of new single storey entrance extensions, smoking shelter, disabled access ramps, replacement of section of roof, elevational cladding and fenestration. This was withdrawn (ref: 4/11/00515/FPA)
9. In 2013 an application was received for the partial demolition and redevelopment of public house to create 21 no. apartments for student accommodation, this was also withdrawn (ref: CE/13/00897/FPA)

PLANNING POLICY

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 dependent.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
12. The following elements are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong and Competitive Economy*. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

14. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 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.
19. *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.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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>

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

21. *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.
22. *Policy E21 (Conservation and Enhancement of the Historic Environment)* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
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 H7 – City Centre Housing* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
25. *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.
26. *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.
27. *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.
28. *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.
29. *Policy T20 - Cycle Facilities* seeks to encourage appropriately located, secure parking provision for cyclists
30. *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.
31. *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.

32. *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.
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 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.
35. *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.
36. *Policy U11 - Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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

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

EMERGING POLICY:

37. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
38. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
39. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or 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 such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.

40. *Policy 32 (Houses in multiple occupation and student accommodation)* – In order to support mixed and balanced communities and maintain an appropriate housing mix, houses in multiple occupation and student accommodation will not be permitted where the site is located within 50m of a postcode area where more than 10% of the total number of properties are already in use as licenced HMO's or student accommodation. Proposals should have adequate parking, refuse and other shared facilities and the design of the building should be appropriate to the character of the area.
41. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
42. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
43. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. None received.

INTERNAL CONSULTEE RESPONSES:

45. The Design and Conservation Officer supports the application, commenting that the proposal is excellent in terms of design, saving an important building in the conservation area and would provide an important focal point at a gateway into the city centre.
46. Environmental Health officers have no objections to the proposals but request that a noise assessment is carried out.
47. Tree Officers have no objections but request that a tree survey is carried out and that trees to be retained are protected during development.
48. Landscape Officers have no objections subject to a detailed landscaping scheme being submitted.

49. Highways Officers have no objections to the proposals stating that the site sits in close proximity to good transport links to local facilities and University establishments and as such can be considered as a sustainable travel location. In addition, the proposed 9 parking spaces is acceptable as research suggests that student car ownership could be up to 15% meaning the student demand for parking could be 5 spaces. In addition to the car parking provision the proposed 8 covered cycle stands are acceptable.

PUBLIC RESPONSES:

50. Northumbrian Water have no objections to the proposals.
51. The City of Durham Trust object to the proposals stating that although there are no objections to the design of the building, student accommodation is not suitable for a residential area and parking provision is inadequate.
52. A total of 34 letters of objection have been received from nearby residents. The main reasons for objection are that this part of Durham City is predominantly a family area and that this proposal would result in noise and anti-social behaviour. In addition to this there are concerns that the proposals would result in traffic congestion, that there is a lack of proposed parking and that the site is serviced by narrow access roads which would cause problems with refuse collection. Finally, in terms of the building itself, it is considered that the proposals would result in overdevelopment which would lead to overshadowing, loss of light and privacy and that the development would have an adverse impact on the conservation area.

APPLICANTS STATEMENT:

53. This statement has been prepared on behalf of the applicant, Mr Andrew Ward of Angel Homes Ltd in connection with the submitted planning application (reference 14/00264) for the partial demolition of existing building, refurbishment and change of use to form 3 no. flats plus erection of 3 no. dwellings and associated landscaping and car park.
54. It is acknowledged that the development has provoked a number of objections from local residents, the applicant has attempted to engage the local residents group to discuss the project at detail as well as maintain an open and positive relationship with the residents whilst the initial maintenance work to the retained building is carried out, however these approaches have been rebuffed.
55. The applicant is a resident in the city, living only a short walk away from the site and sees the student population (both under-grad and post- grad) as providing and making a positive contribution to the city, in terms of cultural diversity, economic contribution (directly and indirectly) as well as adding to the vibrancy of the city.
56. This development will be run and managed by a fully staffed and resourced professional management team in order to monitor, control and alleviate the general issues raised by neighbour's to student accommodation buildings. This management structure already runs several student accommodation properties owned by the applicant in the city with a good working relationship with it, the students and the neighbouring residents.

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:

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

58. This application proposes the conversion of an existing building and the erection of further purpose built student accommodation with some shared, communal spaces constituting a sui generis use. The proposal seeks to redevelop a previously developed parcel of land within Durham City Centre as defined in the City of Durham Local Plan. The proposal therefore seeks development which 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.
59. The Local Plan has a specific policy, H16, which relates to student halls of residence and forms of residential institutions.
60. 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.
61. 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. The proposal is not considered contrary to Policy H16 as the site is well located in terms of local services and within easy walking distance of bus routes, local shops and University buildings.
62. Policy 32 of the emerging County Durham Plan states that applications for student accommodation will only be permitted where there is sufficient car parking, there are acceptable arrangement for bin storage and shared facilities and the design of the building would be appropriate to the character of the area. The criteris relating to the % of properties in a postcode area is only relevant where the change of use is from a Use Class C3 dwelling house. The application is not considered to be contrary to any of these relevant criteria.
63. 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 there are retail

uses and community facilities as well as residential properties. The local area can therefore be considered to have a mixed use character which could be expected in such an urban location close to the city centre.

64. Taking all the above matters into account Officers consider that this site is sustainably located in an established urban area and is previously developed land, therefore the proposals are considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.

Impacts upon the Character and Appearance of the Conservation Area

65. The application site lies within the Durham City Centre Conservation Area. 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 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.
66. The Council's Design and Conservation Officers have no objection to the principles of this development which has been subject to considerable pre-application advice with regard to the scale, design and layout of the development.
67. Officers consider that the proposed conversion of the former Victorian Villa has been carried out sympathetically, restoring original features and reinstating timber windows and doors to an appropriate design. The new units linked to the original villa have also been considered in a very sympathetic and appropriate manner. The units have been treated as separate elements with the roofscape broken down using a mixture of step pitch roofs and gables with chimneys. The buildings would turn the corner successfully providing welcoming frontages to the A167 and Crossgate Peth without dominating the existing building. The proposed fenestration patterns are well balanced and window and door details are sympathetic to the original villa frontage and overall character of the Conservation Area. Accordingly, the proposals are considered to enhance the Appearance of the Conservation Area in accordance with saved policies E21 & E22 of the Durham City Local Plan, Part 12 of the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
68. Overall this proposal is considered excellent in terms of the design of the proposed buildings, and in addition the proposals would restore an important building in the Conservation Area and provide good quality design at a busy gateway into the city centre. The proposals are therefore considered to accord with saved policies E21 and E22 of the Durham City Local Plan and part 12 of the NPPF.

Impacts upon Residential Amenity

69. 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.
70. 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.

71. 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.
72. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Dense residential developments such as this will bring with them increased activity but this is felt to be more in character with the surrounding residential properties than a heavier commercial use, so the issue is what behaviour maybe beyond a typical dense residential scheme. Whilst such behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well-defined management plan. The management of the site is a point raised within the consultation responses. It is also important to note that the historic and lawful use of the site has been as a Social Club which in itself and by its nature would have generated an amount of noise, movement and disturbance, some at unsocial hours.
73. Officers considered that if approved, an appropriate management plan should be submitted and agreed before the development is commenced. The management plan will allow for two way communication between the community and the management company as well as having sanctions in place to control any anti-social behaviour should it arise. This isn't dissimilar to how larger institutions manage their property and it is considered an effective control measure underpinned with a corresponding tenancy agreement. It is fair to say that a dense residential non-student apartment scheme will raise from time to time some disruptive behaviour but without the control of a strong management structure relying purely on other legislation. By its very nature all existing controls will exist but in the first instance the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives.
74. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances between elevations and windows serving habitable rooms. 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 serving habitable rooms.
75. Environmental Health have provided some comments with regards to the application and in relation to noise. It has been requested that a noise assessment is carried out which seeks to protect both future occupiers of the building and the amenity of existing occupiers who live in close proximity to the site. It is considered that any concerns around noise from the development can be appropriately mitigated through conditions and these are suggested accordingly.

76. In conclusion the development is considered acceptable subject to the aforementioned conditions and accords with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

Highways Issues

77. Many objections from nearby residents are related to the potential for an increase in traffic and lack of parking provision. Highways Officers have carefully considered the proposals and have raised no objections to the scheme. Officers have commented that the site sits in close proximity to good transport links, community facilities and University establishments and as such can be considered as a sustainable travel location.
78. There are 9 car parking spaces proposed as part of the development, one of which would be a disabled space. Research suggests that student car ownership could be up to 15% meaning the student demand for parking could be 5 spaces, therefore the proposed level of car parking provision is considered acceptable. In addition to the car parking spaces there are 8 covered cycle stands which is considered acceptable.
79. It is also noted that the development stands alongside George Street and St Johns Road which form part of the Controlled Parking Zone, where parking is controlled with permits and Pay and Display metres. No parking permits would be provided for student residents of the new development and residents unable to take advantage of the onsite free parking would need to meet the Pay and Display charges between 8.00am - 6pm. Bin storage is provided within the site and it is considered that adequate access is available to enable refuse collection.
80. Given the proximity of the site to the city centre and University buildings, its good access to public transport links and parking controls in place around the site. It is considered that the level of car parking and cycle parking provision is acceptable. Therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T21 of the Local Plan seeking to ensure that all development is acceptable in terms of highway safety and limiting parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also supports the application seeking to promote sustainable transport choices.

Other Issues

81. The application was accompanied by a Bat Survey which found no roosts within the building but suggests general enhancements including the provision of bat boxes which are suggested to be provided by way of a condition. The proposal is considered to have no impact on protected species and is in accordance with saved policy E16 of the Durham City Local Plan.

CONCLUSION

82. These application proposes 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, the application site is undesignated land within the Local Plan proposals maps and is not therefore allocated for a particular development.

83. In principle officers do not raise objections to the proposed redevelopment of the site for the use as student accommodation. Objections have been received during the course of the application regarding a host of issues but mainly regarding the considered harmful impact that the imposition of students would have on the area in terms of parking and traffic congestion and the amenities of residents within the area. As discussed above, it is not considered that the proposal would lead to any significant impact on residential amenity, nor would it result in significantly adverse highway safety issues that would warrant refusal of planning permission. Notwithstanding this, the applicant will be required to submit a detailed management plan to demonstrate how impacts of the development can be minimised through appropriate site measures and management methods.

84. In addition, officers consider that this proposal is of a very high standard in terms of its design and would result in an enhancement to the conservation area in what is a very prominent gateway point into the city centre.

RECOMMENDATION

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

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

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

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

Proposed site plan 12/72, 210 Rev B.

Proposed ground and first floor plans, proposed south west and south east elevations 12/72, 211 Rev A.

Proposed second floor and roof plans, proposed north east and north west elevations 12/72, 212 Rev A.

Proposed courtyard elevations, proposed rear lane elevation 12/72, 213 Rev A.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E21, E22, T1, T10, Q1, Q2 and Q8 of the City of Durham Local Plan 2004 and parts 4, 6 and 7 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing 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 E21, E22, Q1, Q2 and Q8 of the City of Durham Local Plan 2004.

4. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), 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 E21, E22, Q5, H16 and H13 of the City of Durham Local Plan 2004.

5. 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

6. 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.

7. No development shall take place unless in accordance with the mitigation detailed within part 7 of the Bat Survey titled 'Nevilles Cross Working Mens Club' dated August 2013 by Durham Wildlife Services.

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

8. 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.

9. Notwithstanding the information submitted with the application no development hereby approved shall commence until a noise assessment has been undertaken and a scheme detailing any noise insulation and mitigation measures 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 and mitigation retained in perpetuity.

Reason: In the interests of residential amenity and to comply with policies Q8, H13 and H16 of the City of Durham Local Plan 2004.

10. No development shall be commenced until details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies E21, E22, Q5, H16 and H13 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has worked with the applicant in a positive and proactive manner to deliver the development. In particular, amendments to the design, materials and massing were sought in an attempt to improve the visual appearance of the development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
County Durham Plan Pre-Submission Draft
National Planning Policy Framework
Internal consultee responses
Public responses
External consultee responses



Planning Services

Redevelopment of Nevilles Cross Club site to provide student accomodation

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Date June 2013

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM 14/00352/FPA
FULL APPLICATION DESCRIPTION: Private Dwellinghouse
NAME OF APPLICANT: Haswell Moor Developments Ltd
ADDRESS: Grange Farm, Old Cassop
ELECTORAL DIVISION: Coxhoe
Chris Baxter
Senior Planning Officer
CASE OFFICER: 03000 263944
chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises of land associated with Grange Farm located to the east end of Old Cassop. Grange Farm incorporates the main farm house which is located to the south of the unclassified adopted road which runs through Old Cassop. A mixture of agricultural buildings are located to the east of the site and it is noted that there is a public right of way running through these agricultural buildings. The grazing field to the north of the main farmhouse (adjacent side of the highway) is also within the applicants ownership. The site is within the conservation area of Old Cassop.
2. There are residential properties located to the north, east and west of the site. In particular there is Tunstall Cottage which is a bungalow which has windows looking directly on to the northern part of the application site. A property known as Oak Rise is also located directly west. The applicants property Grange Farm is located to the east with agricultural fields to the south.
3. Old Cassop is a small hamlet located less than a mile away from the village of Cassop and approximately 1.3 miles away from the settlement of Thornley. There is an unclassified adopted single track road running through the hamlet which can be accessed from the A181 highway to the north. This unclassified adopted road also runs west of the hamlet and connects with the A688 bypass road.

The Proposal

4. Planning permission is sought for the erection of a single dwelling on an infill plot between Grange Farm and Oak Rise. The original submission was made indicating access to come direct from north. Further to queries over the ownership of part of the application site the application boundary was amended and a revised plan was submitted which realigns the access to be taken through Grange Farm to the east. The land at the extreme west of the site over which there is a query of ownership is removed from the application.

5. The proposed dwelling is detached over two floors. The building is proposed to be from stone with a slate roof and timber effect upvc windows. The height to ridge would be 8.6m, 5m to eaves.
6. The dwelling would be sited approximately 14m from the roadside, directly adjacent to the existing farmhouse. The stone wall boundary along the roadside would remain. Vehicular access would be from the east and a driveway into the site cumulates in two dedicated parking places.
7. The application is referred to the Committee at the request of the Local Members Councillor Mac Williams and Councillor Jan Blakey on the basis that there were highway concerns.

PLANNING HISTORY

8. Planning permission was approved in 1995 for agricultural buildings. Most recently permission was granted in 2013 for a porch to Grange Farm. A recent application for conversion of buildings and erection of four dwellings was withdrawn.

PLANNING POLICY

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 21st 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 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 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..

16. *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.
17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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>

LOCAL PLAN POLICY:

City of Durham Local Plan

18. *Policy E7 (Development Outside Settlement Boundaries)* advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
19. *Policy E8 (Change of Use of Buildings in the Countryside)* states that buildings will be considered appropriate for conversion provided of substantial construction, that the value of the building can be retained, that unsightly buildings are improved and no adverse impact on the countryside, openness of the green belt or amenity of residents occurs. Changes of use must be acceptable in terms of highway safety and preference is given to business rather than residential re-use.
20. *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.
21. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
22. *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.
23. *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.

24. *Policy H4 (Villages with no Settlement Boundary, Ribbon Development and Sporadic Groups of Houses)* the extension or redevelopment of villages with no settlement boundary, of ribbons of development, or sporadic groups of houses will not be permitted. Infill housing at these locations will only be permitted if the development: comprises no more than a single dwelling infilling a small gap between existing buildings; and does not involve the development of an open space that is important to the street scene, and is appropriate in scale, form and materials to the character of its surroundings.
25. *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.
26. *Policy EMP17 (Farm Diversification)* sets out the criteria against which proposals for farm diversification will be considered and these include the impact upon the character of the countryside, that the site can be served by roads capable of accommodating increased traffic and that there is no compromise to the openness to the Green Belt.
27. *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.
28. *Policy T8 (Traffic Management)* seeks to encourage measures to improve highway safety, amenity and ease congestion
29. *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.
30. *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.
31. *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.
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.

EMERGING POLICY:

33. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
34. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
35. *Policy 15 (Development on Unallocated Sites)* – States that development on unallocated sites will be permitted where development is appropriate in scale, design and location; does not result in the loss of a settlement's last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet criteria defined in Policy 35.
36. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
37. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
38. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.
39. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
40. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and seek opportunities to enhance structures and areas of significance throughout County Durham.
41. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
42. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and

direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *County Highways Authority* has raised no objections to the application.

44. *Environment Agency* has raised no objections.

45. *Natural England* has not raised any objections to the proposals.

46. *Northumbrian Water* have no comments to make.

INTERNAL CONSULTEE RESPONSES:

47. *Archaeology* has not raised any objection but has advised that standard conditions are imposed for monitoring measures to be used during construction of the properties.

48. *Design and Conservation* has not raise any objections to the amended scheme.

49. *Landscape* raised concerns at the original access proposal but did not offer comments on the amended scheme.

PUBLIC RESPONSES:

50. The application has been advertised in the local press, a site notice was posted and neighbouring residents were notified in writing. The application was also re-advertised following the submission of the amended plans. Seven letters of objection have been received against the proposed development.

51. One of the main concerns from the objectors is the impact the development would have on highways, in particular the access to the A181 and the lack of passing places in the village.

52. Residents have also raised concern regarding the loss or an open area, the impact on the loose knit character of the settlement and the character of the conservation area. The proposal is considered by some to have an adverse impact on the setting of Grange Farm itself and there is reference to a 2006 application elsewhere in the village that was refused and dismissed at appeal.

53. There is also some objections that the proposal will have a more direct impact on individual properties by way of overshadowing and increased flooding.

54. Much is made in the objections around the ownership and use of the land at the westernmost part of the application site and the potential loss of trees therein. The application has been amended to exclude this land and a revised access arrangement is now proposed. .

55. The Parish Council have expressed concerns that the developer may be taking a piecemeal approach to developing the site following the withdrawal of the earlier application.

APPLICANTS STATEMENT:

56. The proposal is now to construct one dwelling house as an infill scheme adjacent to Grange farm farmhouse , and has been designed and sited to comply with planning and conservation advice received, along with site access layout revisions requested and previously submitted.

57. The site access is now to be taken from the established existing farmhouse access, and extended parallel to the farmyard boundary, and will now serve the rear of the proposed dwelling. We understand there to be no highway or planning objections to this amendment now under consideration.

58. Following consideration of the issues, we have chosen to comply with the recommendations given to us following your consultation process, and therefore we are of the opinion that our revisions address all of the comments raised throughout the planning application process.

PLANNING CONSIDERATIONS AND ASSESSMENT

59. 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 principle of development; impact upon conservation area and heritage assets; highway considerations; residential amenity; archaeology and other issues.

Principle of development

60. Old Cassop is a small hamlet which does not have any defined settlement boundaries. The site could therefore be classed as being within the countryside in policy terms although in physical terms it is acknowledged that the proposed development would fall within the envelope of the hamlet and does not extend into open countryside. As there is no settlement boundary for Old Cassop, the proposed residential scheme in this application would need to be assessed against local plan policies H4. Policy H4 allows the development of infill houses.

61. The proposed property is a single unit which would clearly be infilling a gap between the existing properties of the farm house at Grange Farm and the neighbouring property of Oak Rise. The gap in between these properties is currently garden land for the farm house at Grange Farm and it is not considered that this open space is particularly important to the street scene. The principle of development is considered acceptable as it would be in accordance with policy H4 of the local plan.

62. Local residents have raised concerns with regards to the principle of development and noted that there have been applications for housing refused in the past which have been dismissed at planning appeal. Most recently an application for a single dwelling was refused in 2006 which was subsequently dismissed at an appeal. National planning policy has changed since 2006 with the introduction of the NPPF and the appeal example was not considered at the time to comprise an infill development. Each application has to be determined on its own merits and in this

instance for the reasons described above it is considered that the proposal can be deemed acceptable in principle.

Impact upon conservation area and heritage assets;

63. The application site is located within the Old Cassop Conservation Area and therefore any development can only be considered acceptable if it enhances or preserves the character and appearance of the area.
64. The proposed dwelling is a simple two storey property which is subservient to the main farm house as it is smaller in size and scale. The proposed property is located on the same building line as the main farm house and would not appear out of keeping with the setting of the surrounding properties. The overall design of this property is simple with a farm house appearance which is considered appropriate to the sites location and context. The property is proposed to be constructed from traditional materials of natural stone and slate. It is not considered that the proposed property would have an adverse impact on the appearance of the area and would subsequently preserve the character of the conservation area in accordance with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
65. Whilst it noted that the site is currently open space, the land is within the curtilage of Grange Farm and is not publically accessible. The proposed dwelling is set back some way from the road frontage and a large area of open space will remain to the front of the dwelling. The general pattern of development in the area is not uniform and it is not considered that the existing open field makes any significant contribution to the character of the Conservation Area. It is considered that the limited infilling, set some distance back from the site frontage would preserve the existing character and the subservient scale would respect the setting of the existing building.
66. Overall, it is considered that the scheme is designed to a high standard and would ensure that the character and appearance of the Old Cassop Conservation Area, as well as the associated heritage assets would be preserved. The proposals would be in accordance with local plan policies E14, E15, E22 and Q5 and would be in line with criteria detailed in the NPPF.

Highway considerations

67. The parking provision and accesses onto the main highway running through Old Cassop is considered to be acceptable.
68. The application proposes two new parking spaces within the site served from a new driveway. There is room within the site for vehicles to manoeuvre and exit in a forward gear.
69. The concerns raised by residents in respect of the A181 junction and the poor quality parking places are noted however it is not considered that the addition of a single dwelling house with limited vehicle movements would result in increased pressure on the highway. The proposal is considered to be in accordance with policies T1, T8 and T10 of the local plan.

Residential amenity

70. There are three existing residential properties which could potentially be affected by the proposed development. These are the existing farm house at Grange Farm which is located directly to the east of the site; Tunstall Cottage which is situated to the north of the site and Oak Rise which is sited to the west.

71. The proposed dwelling is set approximately 1.8 metres away from the gable elevation of the existing farm house. There would be no windows from either of these properties which would look onto the other, and therefore there would be no privacy concerns between these properties. Oak Rise is set 15 metres from the proposal, this separation distance is considered acceptable as the views from Oak Rise would be onto the blank gable elevation of the property on plot 13. There would be no direct intervisibility between the proposed dwelling and Oak rise however it is noted that there is potential for indirect, however with a distance of approximately 15m between the windows on the proposed dwelling and the garden room to the rear of Oak Rise, along existing boundary treatments and vegetation, it is not considered that there would be any detrimental loss of privacy and adequate levels of outlook would be retained. The 15 metre separation distance as well as the orientation of the properties would ensure there would be no overbearing or overshadowing impacts.
72. The property of Tunstall Cottage has a sun lounge extension located on its east elevation. It is located to the north of the site across the road running through the village at a distance of over 30m from the proposed dwelling. At this distance there would be no direct impact at all in terms of overlooking or overshadowing.
73. It is considered that the proposed scheme has been sensitively designed to ensure the residential amenities of nearby properties would not be adversely compromised. The proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of nearby neighbouring properties and the proposed properties. The proposal would be in accordance with policies H13 and Q8 of the local plan.

Archaeology

74. An archaeological evaluation report has been submitted following a number of trial trenches which have been undertaken. These trial trenches were dug in order to confirm whether there was likely to be any archaeological heritage assets affected by the proposals. The evaluation report has confirmed that no evidence of any heritage assets was found and therefore it is unlikely that the proposed development would adversely impact on non-designated heritage assets within the immediate locality. The proposal would be in accordance with policy E24 of the local plan. The County Archaeologist has confirmed that no objections are raised to the proposed development however conditions are recommended for monitoring works to be undertaken during the construction stage of the proposed properties. Conditions are therefore recommended accordingly.

Other Issues

75. Concerns have been raised from local residents with regards to drainage and potential flooding issues. The Environment Agency (EA) and Northumbrian Water (NW) have been consulted on the proposed development and they have not raised any concerns in relation to drainage and flooding. The EA have also commented on potential contamination on the application site.
76. Concerns have been raised from some residents that there has been no information submitted regarding the recent sink holes in the area. A coal mining search report has been submitted with the application indicating that there is no evidence of coal mining related subsidence within the application site. Other local residents have confirmed however that the sink holes were not located on the application site, therefore it is unlikely that the stability of the proposed site would be adversely compromised as a result of the proposed development.

77. Finally significant comments have been made relating to the ownership and use of the land to the East. The application has been amended to exclude this land therefore it is not appropriate to comment further.

CONCLUSION

78. The proposed introduction of a single dwelling into Old Cassop would be contained within the envelope of the hamlet and would not encroach into the open countryside. The proposed residential development would comprise an infill development and It is considered that the proposal is acceptable in principle and would be in accordance with Policy H4 of the local plan and criteria detailed in the NPPF.
79. The proposed property is considered appropriate in terms of design, scale, layout, massing and materials which would be in keeping with the rural surroundings and would preserve the character and appearance of the Old Cassop Conservation Area. The proposal would not be contrary to policies E14, E15, E22 and Q5 of the local plan.
80. The proposed development would not introduce significant traffic movements to the road network at Old Cassop and concerns are not raised by officers around highway safety. The proposed development would be in accordance with policies T1, T8 and T10 of the local plan.
81. Adequate separation distances are achieved between the proposed property and existing neighbouring dwellings which would ensure that adequate levels of privacy are maintained. Due to the positioning and design of the development, no overbearing or overshadowing impacts would be created. The proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of nearby neighbouring properties and the proposed properties. The proposed development would be in accordance with policies H13 and Q8 of the local plan.
82. It is not considered the proposals would raise any adverse drainage or flooding concerns. The Environment Agency have not raised any objections to the proposals in terms of contamination.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
2	Proposed dwelling house plan &	26/2/14

1A	elevations	13/5/2014
4122/001	Site layout plan	30/5/2014
	Location Plan (amended)	

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

- No development shall commence until a sample panel of the proposed stone and pointing to be used in the construction of the walls of the building shall be erected on site for inspection. The written approval of the local planning authority for the sample panel shall be received prior to the commencement of the building works and the sample panel shall be retained for reference on site throughout construction. 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 E22, H13 and Q8 of the City of Durham Local Plan.

- No development shall commence until specification details and colour finish of all windows and doors; rainwater goods; and external flues shall be 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 E22, H13 and Q8 of the City of Durham Local Plan.

- Notwithstanding details shown on the approved plans, all cills and lintels shall be natural stone.

Reason: In the interests of the appearance of the area and to comply with policies E22, H13 and Q8 of the City of Durham Local Plan.

- No development shall commence until details of means of enclosures shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E22, H13 and Q8 of the City of Durham Local Plan.

- No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. 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 E22, H13 and Q8 of the City of Durham Local Plan.

- No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.

9. 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 the NPPF.

10. 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.

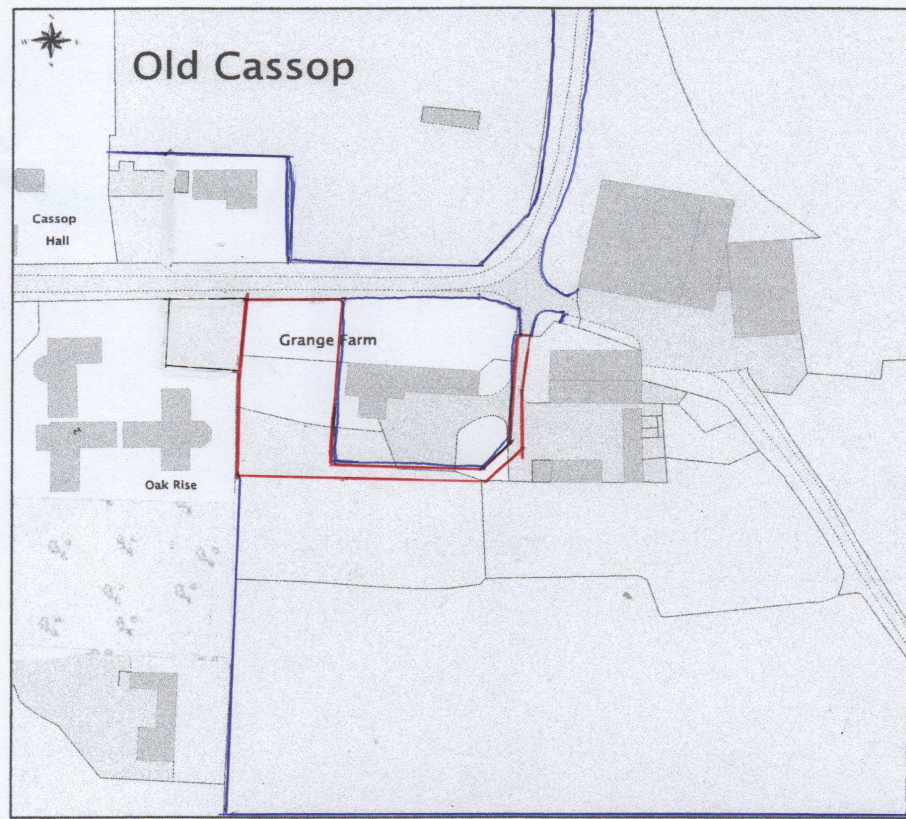
Reason: To protect sites of archaeological interest having regards to policies E24 and E25 of the City of Durham Local Plan.


STATEMENT OF PROACTIVE ENGAGEMENT

83. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection dwelling at Grange Farm, Old Cassop.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date 10th June 2014</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/14/00516/FPA
FULL APPLICATION DESCRIPTION: Change of use to HMO (Sui Generis)
NAME OF APPLICANT: Mr Jayprakash Sarania
ADDRESS: 51 The Avenue
Durham
DH1 4EB
ELECTORAL DIVISION: Nevilles Cross
CASE OFFICER: Tim Burnham, Planning Officer, 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site is 51 The Avenue, Durham which is a large terraced property, located on a gently sloping part of the Avenue close to Durham City Centre. The site sits within the Durham (City Centre) Conservation Area.

PROPOSAL

2. The applicant proposes to utilise the property as a 9 bed HMO (House in Multiple Occupation) which is a Sui Generis use. The changes proposed to accommodate the additional three bedrooms within the premises would see a ground floor storage area converted into a bedroom and two attic rooms converted into bedrooms. These attic rooms, currently detailed as storage areas, would be served by dormer windows which were approved under a previously submitted application.

3. The application has been referred to planning committee by Councillor Martin due to concerns over the provision of a small bedroom within the property, concerns that no account has been taken of proposed dedicated student accommodation and concerns that the application could be contrary to Policy 32 of the emerging County Durham Local Plan.

PLANNING HISTORY

4. Planning permission was granted in 2013 for two dormer windows to the rear of the property. Retrospective Conservation Area consent was refused in 2013 for the demolition of a front boundary wall.

PLANNING POLICY

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.

6. 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;

7. *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.

8. *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.

LOCAL PLAN POLICY:

9. 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.

10. 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.

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.

11. 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.

12. 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

13. 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.

EMERGING PLANNING POLICY

14. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

15. Policy 32 of the Emerging Local Plan is of some relevance which relates to Houses in Multiple Occupation and Student Accommodation. It states that;

16. In order to support mixed and balanced communities and maintain an appropriate housing mix, applications for new build Houses in Multiple Occupation and changes of use from:

- a Class C3 (dwelling house) to a Class C4 (House in Multiple Occupation), where planning permission is required; or
- a Class C3 (dwelling house) to a House in Multiple Occupation in a sui generis use (more than six people sharing).

will not be permitted if the application site is located in, or within 50m of, a postcode area where more than 10% of the total number of properties is already in use as a licensed HMO or student accommodation exempt from council tax charges

In all cases proposals will only be permitted where:

- a. There is sufficient car parking to avoid exceeding the capacity of the street (taking into account any existing parking restrictions);
- b. They provide acceptable arrangements for bin storage and other shared facilities; and
- c. The design of the building or any extension would be appropriate in terms of the property itself and the character of the area

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

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

17. Councillor Martin has expressed concerns over the provision of a small bedroom within the property. Concerns are also expressed that no account has been taken of proposed dedicated student accommodation. Councillor Martin is also concerned that the application would be contrary to Policy 32 of the emerging County Durham Local Plan.

18. Highways Development Management have raised no objections.

INTERNAL CONSULTEE RESPONSES:

19. Environmental Health Officers have raised no objections.

20. Design and Conservation have raised no objections.

PUBLIC RESPONSES:

21. Two letters of objection has been received in relation to the application. Concern is put forward that the provision of a further HMO on the street would cause it further imbalance. Concern is put forward in relation to the size of a proposed bedroom, bathroom provision and the lack of a communal eating space. The ability of the dwelling to accommodate a disabled person is questioned. It is suggested that the application would be contrary to Policies H9, H12A and H13. It is stated that the application is contrary to paragraph 50 of the NPPF in that it would not be sustainable. It is suggested that the application is contrary to draft policy in the emerging local plan. Concerns are put forward in relation to bin storage and parking.

APPLICANTS STATEMENT:

22. I welcome the opportunity to make this statement to the Committee. My application is supported by a comprehensive, 33-page, Design and Access statement ['DAS']. I hope that the Committee will appreciate that this will demonstrate that my proposals have been carefully considered.

23. The Design and Access statement goes into significant detail as to why I consider that the development proposed adheres to development plan and national planning policy. Careful analysis of the relevant policies indicates that there is no policy objection to the proposals and that there remains a demonstrable need for the additional bedrooms proposed despite current and future plans for the provision of purpose built student accommodation in the City.

24. Since I acquired the property, I have already ensured, through a programme of internal and external refurbishment, a significant improvement in the appearance of the property. It now appears better kept than many of its neighbours. I intend to ensure that the property is well maintained and continues to be well managed to ensure that the use does not demonstrably impact upon the character and appearance of the area or is detrimental to the amenity of residents. That is my commitment to you and adjacent residents.

25. I note that at the time of writing this statement there had been only one public objection made in respect of my proposals. Everyone is entitled to form their own opinions but those expressed by Mrs Evans are isolated. I am confident that every one of Mrs Evans' concerns is dealt with in considerable detail in the DAS and I trust officers will address these points in their report to Committee. However, I would wish to address a couple of points raised in more detail.

26. Mrs Evan's quite rightly points to the works undertaken to the front boundary last year. This was no act of vandalism. The wall was removed as it was about to collapse and I have evidence to this effect. On advice, I sought retrospective conservation area consent for the proposals and although the proposals eventually obtained officer support, the application was refused at Committee.

27. Through my agent, I have since made compelling arguments that as a matter of fact and degree and having regard to permitted development rights and the Shimizu case

neither planning permission nor conservation area consent was required in relation to the removal of the wall. The matter is currently being considered by officers and the Council's legal representatives and we expect a formal response from the Council very soon. Informal indications are that the deductions of my agent are correct. That being the case, we will have to discuss with officers the mechanism for the rebuilding of the walls but like many of my neighbours, I would wish to secure sympathetic parking within the property screened in accordance with details that we hope can be agreed with the Council.

28. Mrs Evans also highlights the space provided by bedroom 7. It is slightly smaller than the rest of the bedrooms at nine square meters yet the indicative layout of furniture as shown on plan R2125_02 demonstrates it can accommodate a double bed. This could easily be a single bed providing additional usable floorspace. Please also note that I have also retained the living room to provide communal living space, something that many property owners split to provide an additional bedroom. I hold the historic layout and features of the premises in high regard. Notwithstanding this, such matters are usually considered outside planning control, as emphasised in a number of judgements to which I can rely, and they are usually thought to be a matter for housing and environmental health legislation. I also note that the Environment, Health and Consumer Protection division have expressed no concerns regarding bedroom 7.

29. I would see no point in burdening the Committee with the comprehensive detail of the DAS and am confident that officers will make the Committee aware of its salient points. In this respect, I respectfully suggest that the Committee has all the information available to it in order to consider my proposals against the development plan and National Planning Policy Framework.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file

PLANNING CONSIDERATIONS AND ASSESSMENT

30. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development and the impact of the development on the character and appearance of the residential area.

The Principle of the development of the site

31. The application site is a well-established property on an established street and is likely to date from between 1894 – 1899. Officers understand that for a long period of time the property may have been used as a regular C3 family residence prior to its sale.

32. Officers understand that use of the dwelling house by 3-6 residents as a house in multiple occupation (C4 use) is ongoing at the property. The change of use from a C3 property to a C4 property would have constituted permitted development, with no planning approval required to change between these uses.

33. The provision of a HMO accommodating more than 6 people is considered un-classified and therefore a 'Sui Generis' use. A planning application has been made to change the use of the premises from C4 to Sui Generis. Given that there is an established use of the property for a small HMO for up to 6 people, Officers must therefore consider whether the impact of introducing three additional occupiers is acceptable.

34. Policy H9 of the current local plan offers guidance in this respect. It relates to the conversion of houses for multiple occupation. It states that such development will be permitted provided that adequate parking, privacy and amenity areas are provided, provided it will not adversely affect the amenities of nearby residents, provided it is in scale and character with its surroundings, provided it will not result in concentrations of sub divided dwellings to the detriment of the range and variety of the local housing stock and provided it will not involve significant extensions or alterations.

35. Parking is currently provided of street to the front of the dwelling, although works to enable access to the front of the property were subject to an application for Conservation Area Consent which was refused. However, if this parking provision were not available, the application is considered acceptable in terms of highway safety as two parking permits to utilise on street provision would be available. A 79m² yard is in existence to the rear to provide outdoor amenity space; this is considered acceptable by Officers. No alterations to the physical scale or character of the dwelling are proposed, with dormer windows to the rear roof slope having been considered acceptable under a previous planning approval. Officers therefore consider that the proposal will accord with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E6 and E22 of the City of Durham Local Plan which require that the character and appearance of the Conservation Area be preserved or enhanced.

The impact upon the residential area

36. 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 while Policy H9 also seeks to provide such safeguards.

37. Officers understand that as of early 2013 around 22 properties in The Avenue were licensable HMO's under the Housing Act 2004 and that there were approximately a further 11 properties in The Avenue occupied by students that did not need to be licensed. There are a number of sub divided properties in the immediate area.

38. 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. Policy 32 has been included with the Emerging County Durham Plan that has been submitted for public inquiry. This policy seeks to restrict changes from C3 to C4 use and C3 to Sui Generis HMO use where there is already a high concentration of student properties. Given the level of student accommodation within The Avenue, it is likely that the increased provision of student accommodation in this area may exceed the thresholds identified within this Policy. However, given the policy has been subject to significant comment, Officers are only able to give this Policy very limited weight.

39. Although outlining the Councils forward thinking on this proposal, Officers also note that the Policy does not seek to restrict changes of use from C4 use to Sui Generis HMO use, as would be the case in this instance, therefore this Policy as it stands is strictly not applicable to the circumstances of this case.

40. Concern over the additional habitation of the property by students is noted. It is acknowledged that students may have different lifestyles to many other residents on the street. Officers acknowledge that the provision of 3 additional bedrooms would cause some additional comings and goings, but this is not considered to be to a degree that would be unacceptable in terms of residential amenity.

41. There is a variety of type and range of housing within The Avenue and Officers consider that provision of three additional bedroom spaces 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.

42. The provision of the property as a 9 bedroom HMO has largely respected the internal arrangement of the property. Significant or extensive internal sub division is not proposed. The property could therefore reasonably be reverted to regular family C3 use should this be required in the future.

43. The property is well sized and the accommodation would be far less dense than at some smaller HMO properties located within more modest terraced accommodation within the City. Most rooms other than bedroom 7 would be of a reasonable size with appropriate outlook. Smaller bedrooms, such as bedroom 7 within such properties are generally provided at a lower rent than larger rooms within the same residence. Environmental Health has been consulted and has not raised concern as to the size of this proposed bedroom.

44. A well sized kitchen and communal lounge area would be provided. A bin store area would be provided within the rear yard area so that bins could be kept away from cluttering the rear lane at the site.

45. In light of the above considerations and in accordance with Policies H9 and H13, officers do not consider that the provision of three additional bedrooms would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised.

46. Officers do not feel that the provision of three additional bedrooms 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.

Other issues

47. Officers note comments relating to the provision for disabled access to and around a dwelling. This would be unlikely to be required on such a dwelling through planning legislation, however this would likely be a building regulations matter.

CONCLUSION

48. Officers consider the application acceptable in terms of the principle of the development and the impact upon the residential area. This is because Officers do not consider that there would be any significant additional impacts of providing 9 bedrooms at the property, as opposed to the current use as a 6 bedroom small HMO. Officers consider the property well sized and well able to accommodate an additional three bedrooms while providing sufficient levels of amenity. There are no highways objections and the development would preserve the character and appearance of the Durham (City Centre) Conservation Area.

49. Officers consider the application to meet the requirements of the National Planning Policy Framework and Policies E6, E22, H9, H13, T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Proposed plan R2125-02 received 12th March 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E22, H9, H13, T1 and T10 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

50. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. However, the application has not been presented to committee within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
County Durham Emerging Local Plan
Response from Councillor Martin
Response from Objector
Consultee responses



Planning Services

Change of use to HMO (Sui Generis) at
51 The Avenue, Durham

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**Date 10th June
2014**

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/14/01010/FPA

FULL APPLICATION DESCRIPTION: Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension (Resubmission).

NAME OF APPLICANT: Mr Collinson

ADDRESS: 57 Ocean View, Blackhall Rocks, Durham
Blackhalls

ELECTORAL DIVISION:

CASE OFFICER: Laura Martin
Laura.martin@durham.gov.uk
03000 261960

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site relates to a semi-detached property situated on the estate road of a residential area. The front elevation of the property is east facing and is approximately 13 metres from the public highway. To the rear of the site is a large garden, which is surrounded by a 1.8 metre high timber boarded fence. The property currently benefits from a 3.8 metre long single storey rear extension, which would be removed as part of the application.
2. Full planning permission is sought for the erection of a rear two-storey and single storey extension and the erection of a porch to the frontage. The porch would measure 1.9m by 1.1m being constructed with a hipped roof.
3. To the rear of the site the two storey extension would measure 5.06 metres in length and 5.05 metres wide and would be constructed with a tiled hipped roof. This would be set at the height of the existing ridge at 7.1 metres. A single storey element is also proposed very close to the shared boundary with the adjoining property at a depth of 5.06 metres and measuring 2.09 metres in width. This would be constructed with a lean-to roof against the new two storey extension.
4. The application is brought before members of the planning committee at the request of Councillor Robert Crute due to the precedent of other extensions of similar scale within the street.

PLANNING HISTORY

DM/14/00045/FPA Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension. Refused 17 March 2014 under delegated powers.

PLANNING POLICY

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 dependent.
6. 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’
7. The following elements are considered relevant to this proposal:
 8. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
 9. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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

LOCAL PLAN POLICY:

District of Easington Local Plan

10. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
11. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
12. Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the

building and the proposal does not prejudice road safety or result in the loss of off street parking.

EMERGING POLICY:

13. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). In this case the following policies are of relevance in the determination of the application:-

14. Policy 16- Sustainable Design in the built environment

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://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. Parish Council- no response

INTERNAL CONSULTEE RESPONSES:

16. Highways Section- raises no objections following the submission of an amended plan in relation to parking at the site.

PUBLIC RESPONSES:

17. The application was advertised by means of site notice and neighbour notification to 8 properties. No letters of representation have been received in respect of the above development.

APPLICANTS STATEMENT:

My partner and I are from the local area and have lived in this house for 10 years. We are currently a family of 4 living in a very cramped 2 bedroom house. Although the area is seen by most as a rundown council estate we see potential here and believe this is the place we would like to stay, raise and extend our family.

Over the past few years we have grown and expanded our business and now provide a valuable service to our local community.

Our proposal is to extend our house to a 4 bedroom dwelling that will enable our family to grow and live in the area. This is in light of a very similar planning approval only a few doors away (number 51) who's overall footprint is larger than we have requested.

We believe that by us building an extension and upgrading our house it will help bring the appeal up to other local families who are looking for family homes with gardens. It will also enable us to remain in an area surrounded by a wide family network and many friends.

PLANNING CONSIDERATIONS AND ASSESSMENT

18. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
19. The main considerations in regard to this application are impact upon residential amenity, impact upon visual amenity and precedent.

Impact upon residential amenity

20. Appendix 7 of the Local Plan provides design guidance on extensions to existing dwellings, and states that two-storey rear extensions have to be considered upon their own merits. The rear extension would be set in from the shared boundary of the adjoining property, No. 58 Ocean View, by only 0.1 metres to the single storey element and by 2.3m to the two storey element. Due to the overall projection of the rear extension at 5.06 metres and its two storey height, it is considered that it would have an overbearing and visually obtrusive impact upon the adjoining property, No. 58 Ocean View, to the south. It would also have an albeit lesser adverse impact on No. 56 Ocean View to the north, as it would project some 5 metres beyond their original rear elevation and would be located only 1.5 metres from their shared boundary. In addition due to the projection of the rear two-storey element it is considered that overshadowing would occur to both adjacent properties. Although the two storey element is not immediately adjacent to the shared boundary with No. 58, it is considered to be close enough at 2.3 metres away to have an adverse impact. It is further considered that the adverse impacts are sufficient to justify refusal of planning permission.
21. Policies 35 and 73 of the Local Plan seek to ensure that new development has no serious adverse effects on the amenities of adjacent residents in terms of overshadowing, loss of light, overlooking or visual intrusion. Part 7 of the National Planning Policy Framework reflects these principles in encouraging good design and the integration of new development into the built environment. It is considered that the submitted proposals are contrary to these overall requirements and principles. Emerging policy in the County Durham Plan can only be given limited weight at present, but would similarly look to protect residential amenity.
22. In respect of the front porch, Appendix 7 of the Local Plan states that front extensions to existing dwellings should not project more than 1.5 metres forward from the existing building. The porch is considered to be acceptable in this context.

Impact upon visual amenity

23. Durham County Council will seek to resist an extension contrary to the intentions of the Adopted Local Plan and which it considers to have an adverse and detrimental impact upon the amenities of the surrounding area.
24. Policies 35 and 73 of the Local Plan state that a proposal will only be approved if it is in keeping with the scale and character of the building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials. In this respect the proposed development would increase the size of the host dwelling substantially and as such would not be classified as subordinate to the existing

property. Whilst it is noted that the property is located on a substantial plot the proposed size and massing of the development creates an over dominant and oppressive feature on the host dwelling and as such is considered to be out of scale and context with its surroundings.

25. Again, the porch element of the proposals is considered acceptable on its own.

26. By way of additional information, the Planning Authority has carried out several pre-application discussions with the applicant and has advised that an application of this size and design would be strongly resisted by the authority.

Precedent

27. The issue of precedent has been raised in respect of the proposed development and the fact that No. 51 Ocean View, a nearby property in the same road, has an extension to the rear of the property of similar scale and proportions as is hereby proposed. That application had also been referred to planning committee for determination. The proposal was recommended for refusal by planning officers for similar reasons as is currently proposed, however members resolved to approve the application, on the basis that there was not such an adverse effect on the amenities of neighbours or the appearance of the street scene to justify refusal of planning permission. That was a matter of judgement, and members were entitled to come to that conclusion. Notwithstanding that decision and the circumstances behind it, officers have considered the current proposal on its own merits. It is considered that the proposal would have significant adverse impacts on neighbours, and the decision on No. 51 nearby is an isolated case and does not establish a precedent for other unacceptable proposals.

28. Members may also wish to note that a scheme with the first floor extension only marginally larger in width by 0.25m but with a lesser ridge height was refused under delegated powers in March of this year for the same reasons as outlined below.

CONCLUSION

29. To conclude, it is considered that the extensions would result in an excessive development having adverse impacts on visual and residential amenity from its scale and massing, to such an extent that warrant refusal of this application. It is considered that the proposals would have a significant adverse effect on the amenities of adjacent residents in terms of overbearing appearance and overshadowing. Furthermore, the proposals would adversely impact on the appearance of the host property.

RECOMMENDATION

30. That the application be REFUSED for the following reason:

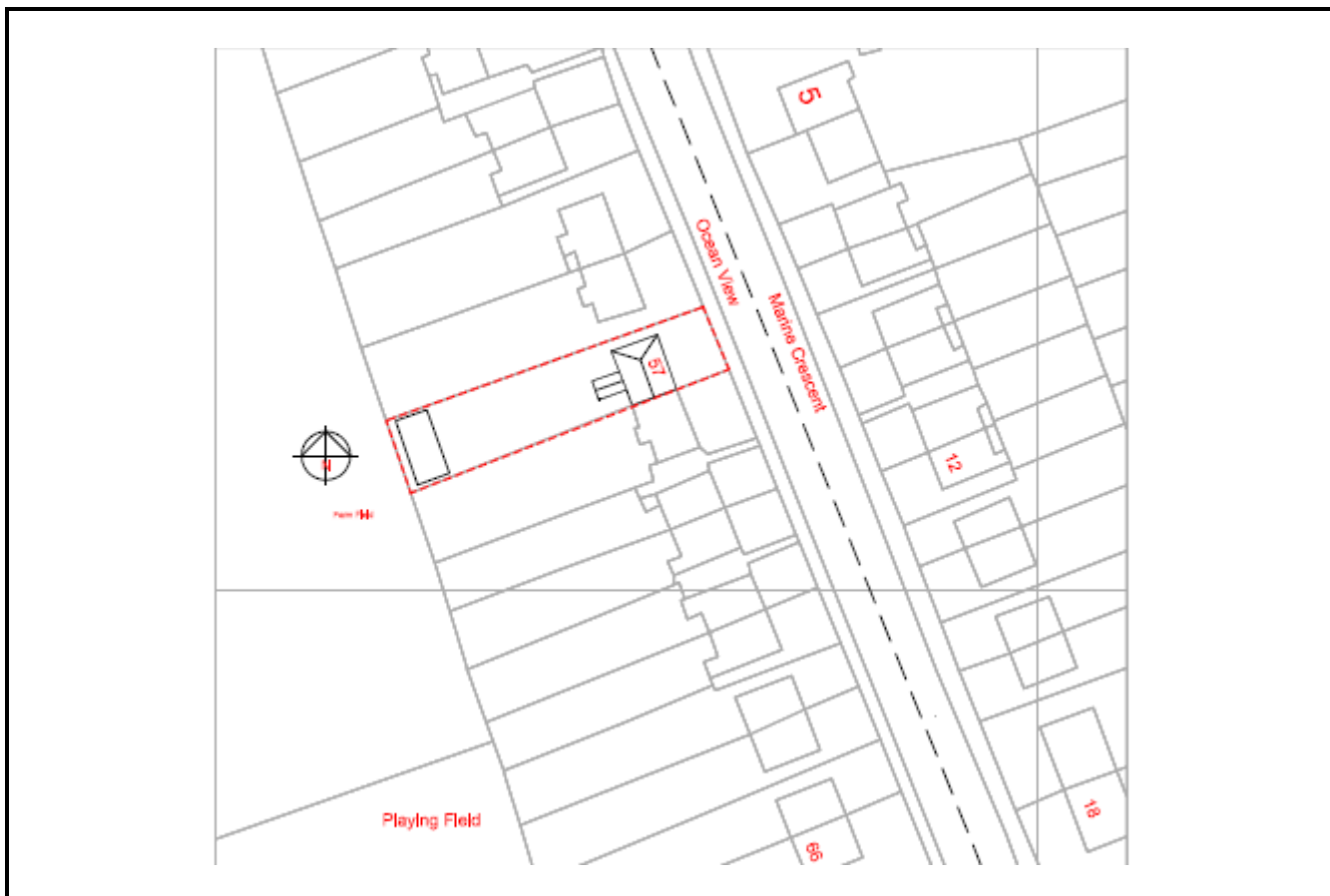
The proposed rear extension, by virtue of its design, scale, massing and location, represents an excessive form of development that would have a seriously detrimental impact on the amenities of adjacent residential properties in terms of overbearing appearance and overshadowing, and is not in keeping with the scale and character of the host dwelling, adversely affecting the character and appearance of the property and its immediate surroundings. As such, the proposal is contrary to Policies 1, 35 and 73 of the District of Easington Local Plan and Part 7 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. Unfortunately on this occasion an amicable solution could not be found.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension (Resubmission) at 57 Ocean View, Blackhall Rocks, Durham

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Comments

Date. 10 June 2014

Scale 1:1000

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/14/01021/FPA
FULL APPLICATION DESCRIPTION: Single storey rear and side extension
NAME OF APPLICANT: Crossgate Builders
ADDRESS: 68 Whinney Hill, Durham, DH1 3BD
Elvet and Gilesgate
ELECTORAL DIVISION:

CASE OFFICER: Laura Martin
Laura.martin@durham.gov.uk
03000 261960

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site relates to a property situated on the estate road of a residential area. Whinney Hill is located within the eastern sector of the designated Durham(City Centre) conservation area and is an elevated street which curves gently from its junction with Old Elvet/Green Lane to the north, to Stockton Road roundabout in the south. The surrounding area is characterised by interwar semi-detached houses in groups of four either lining the main street or in short culs de sac, that are typical of designs of the social housing of their time. The application site, no 68, is an end of terrace property fronting the main street.
2. The front elevation of the property is west facing and is 6 metres from the public highway. To the rear of the site is a small enclosed garden which is surrounded by timber fencing.

Proposal

3. Full planning permission is sought for the erection of a single storey rear and side extension. The proposed extension would be located to the north of the application site and would be L-shaped in form.
4. To the side the extension would project 2.1metres and to the rear of the site by 2.9 metres. This would allow the formation of a lounge and kitchen area. The structure would be single storey in scale with an eaves height of 2.5 metres and a total height of 3.5metres.
5. Internally the building is to be reconfigured to allow the creation of a 6-Bed House in Multiple Occupation (HMO). This however does not form part of the application as the change of use from a residential dwelling (C3 Use Class) to a small HMO (C4 Use Class) does not require formal planning consent and would be classified as permitted

development under the terms of a 2010 amendment to the Town and Country Planning General Permitted Development Order.

6. The application is brought before members of the planning committee at the request of Councillor Freeman due to concerns raised in relation to the plot coverage by constituents within his electoral division.

PLANNING HISTORY

7. None relevant to the application

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
10. The following elements are considered relevant to this proposal:
11. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. Part 12 - 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 those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

14. Q1- New development (General principles)
15. Q9- Alterations and extensions
16. E6- Durham (City Centre) Conservation Area

EMERGING POLICY:

17. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). In this case the following policies are of relevance in the determination of the application:-

18. Policy 16- Sustainable Design in the built environment

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://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. N/A

INTERNAL CONSULTEE RESPONSES:

20. Highways Section- raises no objections, but suggests the benefits of reducing the fence height to improve visibility for drivers using the site. This will be addressed in the Highways section of the report, below.

21. Design and Conservation- no objections

PUBLIC RESPONSES:

22. The application was advertised by means of press and site notice as the property is within the Durham (City Centre) Conservation Area and by neighbour notification to 5 properties.

23. 5 letters of objection has been received raising concerns in respect of increased noise and disruption due to the creation of the HMO, car parking, being contrary to both local and national planning policy in respect of the HMO status of the application, loss of privacy and refuse. Additional clarification was also sought in respect of highway safety by a neighbouring property. The Whinney Hill Community Group have also objected on the same grounds as above.

24. The City of Durham Trust objects on grounds that the change of use to student HMO is unacceptable; a 50% increase is proposed, resulting in a two bed property being enlarged to six beds; and conflict with Local Plan policy H9 (relating to conversion of houses to HMOs).

APPLICANTS STATEMENT:

The application being submitted is to seek Local Authority Approval for the proposed

extension to the dwelling. The extension and internal alterations will provide an extra 4 bedrooms, creating a 6 bed dwelling and the dwelling will be used for student accommodation under use class C4. This change of use from C3 to C4 comes under permitted development rules. The application addresses the proposal for a rear/side extension to the property.

The extension is complementary in form and size that could well be expected if the property remained a C3 use and the homeowner looked to extend and indeed similar extensions do exist in the area such as 14 and 69 Whinney Hill.

This application should not be used to further an agenda of reducing or controlling the use of C4 dwellings. The proposed use of the dwelling will not change through refusal of the current proposals.

The applicant does have the option of a fall back scheme that produces the same outcome and bedroom numbers under current PD rules. However it was considered by ourselves as designers that this would not be as satisfactory in terms of street scene, local amenity and occupant amenity and we promoted the current scheme as the better and more considered design. The Client agreed and even though this would constitute more cost in the build as well as the approval process.

The current external amenity will be reduced we have tried to ensure some still exists in a usable form, especially to the rear of the dwelling. The PD scheme would further reduce amenity of this dwelling to a point where it would be almost unusable. The rear bedrooms would have minimal outlook (around 1.5m from the rear hedge). On the PD scheme the drive/parking would merge with what little amenity space exists, with the proposal in the application the external amenity space and the drive are distinctly separate.

The proposal also ensures that current separation distances to habitable are not eroded or shortened maintaining neighbour privacy and amenity at its current levels. The new windows look introspectively into the site and not out towards adjacent properties or in walls facing the external boundaries.

The proposal maintains two in-curtilage parking spaces reducing parking demand in the street generally and the applicant agrees to undertake the highways improvements suggested in consultee responses.

PLANNING CONSIDERATIONS AND ASSESSMENT

25. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

26. The main considerations in regard to this application are impact upon residential amenity, impact upon visual amenity, highways and Permitted Development rights.

Impact upon residential amenity

27. In respect of the proposed extension and the impact upon the current levels of residential amenity it is considered that due to its location and the overall scale the impact would not be sufficient to warrant refusal of the application.

28. In relation to the proposed development the extension has been designed with solid walls to the side and rear elevations and as such the potential for overlooking at the site would be limited. Whilst it is acknowledged that there would be an area of rear garden retained it is not considered that its reduction in size would necessarily result in an intensification of its use. A garden area to the side and frontage would be retained for additional outdoor amenity space.
29. In relation to the property to the north of the application site (69 Whinney Hill) it is noted that there is a study/music room/occasional bedroom on the shared boundary with the application site. In this case however the window is situated at an angle from the proposed development, and furthermore there is a driveway and access path which separates the two. In addition due to the positioning of the extension coupled with the fact that there are no windows in the rear elevation of the extension, the only limited views out of the application site and onto the adjoining neighbouring property would be from the garden area which is already in place. As such it is not considered that this would be altered to such an extent as to warrant refusal of the application.

Impact upon visual amenity and the Conservation Area

30. The application site is a 20th century dwelling house within an area of similar house types, many of which have already been extended varying in style, scale and design. The principle of extending the properties within the area is therefore well established and the proposal is acceptable in principle.
31. In terms of design, the proposed extension would be single storey in nature and it would appear subservient to the host property and the materials are appropriate to both the existing house and the locality, with red brick, red tile and timber windows/doors specified. The contentious issue is the extension's wraparound form; generally in design terms extensions which wrap around the house should be avoided as they can dominate the appearance of the property and may not reflect well on the existing form or character of the house. But in this particular case there are a number of extensions visible in the area which are not too dissimilar to this current proposal (nos. 69 and 72 Whinney Hill for example) so it would be seen in relation to these additions. The proposed extension would also be less dominant than others of this type in the area due to it being set well back from the established building line and wrapping around the rear corner rather than the front, with the bulk of it to the side; as a result when viewed directly from the front it would be seen as a simple small lean-to.
32. Due to its position in views northwards and southwards along the main street it would not be very apparent and would only have a very localised visual impact, and as such the proposed development is not considered to have sufficient impact upon the Conservation Area to warrant refusal of the application.
33. Overall, the extension would only impact on a property which currently makes a neutral contribution to the designated conservation area where it would be viewed in relation to other extensions nearby, and it would not harm the significance of the inter war estate which is derived from the high quality streetscape and public realm. Furthermore it would not be harmful to any significant views towards the World Heritage Site which can be gained from within the estate.
34. In addition to local policy considerations, the Local Planning Authority also has a duty under Section 72 of the 1990 Listed Buildings Act to assess proposals in a conservation area in terms of whether they would preserve or enhance the character and appearance of that area. In this case, officers consider the extension would have

a neutral impact and would therefore preserve the character and appearance of the Conservation Area.

Highways

35. In respect of highways concerns raised by residents within the area, the Highways Authority have confirmed that they have no objections to the scheme. Two on-site parking spaces would be provided as part of the application and as such no further parking permits would be granted for the property. In addition the property is in a sustainable location, with Durham City and its services and facilities being a short walk way. Therefore in this respect no concerns are raised in relation to highway matters at the site.
36. In response to residents' concerns about highway safety, the Highways officer advises that whilst existing fencing at the site may restrict visibility for drivers exiting the parking facilities, such fencing is immune from action due to how long it has been there. He advises that such a situation is not uncommon throughout County Durham, but the access road here serves only a small number of properties, with the expectation that the number of vehicle movements past the site access will be minimal. He goes on to suggest, however, that the applicant may wish to consider reducing the fence height to improve visibility. The agent has indicated that the applicant may be willing to do so. Clarification has also been sought as part of the application process in relation to sight visibility splays to a neighbouring property, however the Highway Authority have confirmed that the arrangement would be acceptable.

Permitted development

37. As previously noted in conjunction with the extension proposed at the site major internal reconfiguration would take place with the building being converted from a 2 bed property to a 6 bed HMO. In this respect the applicant has permitted development rights to carry out such works and convert from its current C3 Use Class to a C4 use Class without the need for planning permission from the Council. As such this is not a matter than can be taken into account as part of the application, nor can any account be taken of the associated issues that a HMO could potentially bring as mentioned by neighbouring residential properties within the area.
38. In connection with this, objectors have asserted that the proposal would conflict with Policy H9 of the current local plan. However, that policy relates to a change of use to HMO, which is not part of this planning application. Hence, it is not considered that any weight can be afforded to Policy H9 in the determination of this application, given the subsequent amendments to the Permitted Development regime that now allows changes of use from C3 to C4 uses.

CONCLUSION

39. In conclusion it is considered that the proposed development due to its location and overall built form would have a limited impact upon its Conservation Area setting or the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, again given the extensions location coupled with the orientation and layout of neighbouring properties that the proposed extension would not have any significant adverse impacts. As noted above the change of use from residential dwelling to operation as a small HMO would not be required from the

Council and therefore cannot be taken into account as part of the application. It is therefore considered that the proposed development is acceptable.

RECOMMENDATION

40. 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; Site location plan, Planning, Design and Access statement, drawing no. 807-02 and 807-01.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q1 and EMP8 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- City Of Durham Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



Planning Services

Single storey rear and side extension at 68
Whinney Hill, Durham, DH1 3BD

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Comments

Date. 10 June 2014

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01023/FPA
FULL APPLICATION DESCRIPTION:	Partial demolition of former cinema and erection of 5 no. dwellings with associated works (Resubmitted)
NAME OF APPLICANT:	Mr Simon Williams Former Cinema The Avenue
ADDRESS:	Coxhoe Durham DH6 4AA
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site relates to the former Picture House and specifically to the rearmost part of the building, a large structure of brick and profiled sheet roofing which lies immediately behind the main area of shops and services within Coxhoe, although it does also lie within the defined Local Centre for Coxhoe. The site is surrounded by a mix of uses including the Working Men's Club immediately to the south, but is largely surrounded by residential properties.

PROPOSAL

2. Planning permission is sought for the demolition of the Picture House and the erection of a terrace of 5 no. two and half storey dwellings oriented north-south and with access provided from The Avenue. The dwellings would benefit from internal garages and gardens to the north side of the terrace.

3. The application has been referred to planning committee by Councillors Williams and Plews. Cllr Williams is conscious of a safety issue in that the access proposed is close to the traffic lights and junction and also notes that previous applications at the site have been approved by the council.

PLANNING HISTORY

4. Planning approval was granted in 1996 for a change of use of the former cinema to provide a recording studio, publishing office and first floor apartment. It appears this approval was not implemented. Planning approval was granted for a scheme very similar to

the one now under consideration in 2007. The scheme was recommended for refusal by Officers but approved by the committee at the time.

5. An application was made to extend the time limit for the implementation of the 2007 approval in 2010 which was approved. This approval was amended slightly in 2010 to retain part of the cinema building and to provide an additional parking space. Planning approval was granted in 2010 for a single storey extension in association with the conversion of the first floor of part of the building to form a single dwelling and the change of use of the ground floor to mixed use class A1/A2. Officers understand that this consent has been implemented.

6. Both the original consent and the extension of time for the 5 no. dwellings have now lapsed, hence the reason for this planning application being submitted.

PLANNING POLICY

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'

The following elements are considered relevant to this proposal;

9. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

10. NPPF Part 4 – Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

11. NPPF Part 6 - Delivering a wide choice of high quality homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

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 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in

greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

14. 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

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. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

16. Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

17. Policy H10 (Backland and Tandem Development) states that the development of such sites typically at the rear of existing houses in the form of back gardens will not be allowed unless a safe and satisfactory access can be provided, the amenities of new and existing occupiers are not adversely affected and the proposals are in scale and character.

18. 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.

19. Policy T1 (Traffic Generation - 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.

20. 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.

21. Policy S5f (Local Centres - Coxhoe) relates in the main to the development of additional shops and services, however, infill housing or changes of use to housing will be acceptable provided the development does not erode the supply of land required for shopping or recreation facilities.

22. 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 area of surface, street and rooftop parking are not considered appropriate.

23. 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.

24. 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.

25. 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.

26. Policy U13 (Development on unstable land) This policy states that development on unstable land will only be permitted where there is no risk to users of the development or where appropriate remediation measures can be undertaken.

EMERGING PLANNING POLICY

27. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

28. Policy 15 is particularly relevant, relating to development on unallocated sites. It states;

29. All development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan, will be permitted provided the development:

- a. Is appropriate in scale, design and location to the character and function of the settlement;
- b. Does not result in the loss of a settlement's last community building or facility (of the type which is the subject of the proposal) unless it can be demonstrated that it is no longer viable or has not been purchased by the community following the procedures set out in the Community Right to Bid;

c. Is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).

30. Policy 48 is also relevant, relating to sustainable travel. It states;

31. The transport implications of all development must be addressed as part of any planning application. All development (lxixiii) shall deliver sustainable travel by:

a. Delivering, accommodating and facilitating investment in sustainable modes of transport such as walking, cycling, bus and rail transport, alternative fuel vehicles and car sharing;

b. Providing appropriate, well designed, permeable and direct routes for all modes of transport, so that new developments clearly link to existing routes for the convenience of all users; and

c. Ensuring that any vehicular traffic generated by new development following the implementation of sustainable transport measures can be safely accommodated on the local and strategic highway network without causing additional congestion, or can be made safe by appropriate transport improvements.

Proposals for new development should comply with the Council's parking standards found in the 'Parking and Accessibility Guidelines'.

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

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

32. Councillor Williams has noted that he is conscious of a safety issue in that the access proposed is close to the traffic lights and the junction. Cllr Williams has enquired as to whether the direction of flow of traffic could be changed or controlled and has also enquired as to whether the number of properties proposed could be reduced. Along with Cllr Williams Cllr Plews has also requested that this application be determined by the committee.

33. Highways Development Management has objected to the application on the basis that the proposed 5 dwellings will increase risk to highway safety in the area.

INTERNAL CONSULTEE RESPONSES:

34. Archaeology: No objection.

35. Environmental Health: No objection subject to conditions relating to noise and odour assessment.

36. Ecology: No objection.

37. Drainage: No objection, subject to submission of surface water management plan.

38. Northumbrian Water: No objection.

The Coal Authority: Object to the planning application as the site lies within the defined high risk area.

PUBLIC RESPONSES:

39. The application has been advertised through neighbour notification and a site notice. One letter of concern has been received in relation to the demolition of the building in terms of working hours, noise, dirt and disturbance.

APPLICANTS STATEMENT:

40. The applicant is seeking planning approval for the redevelopment of the former cinema building located in the centre of Coxhoe village. The development involves the partial demolition of the existing building (rear auditorium) to allow the construction of 5 number, 3 bedroom, three storey town house style dwellings with associated car parking and landscaping to the rear of the site while retaining the former entrance foyer and projection rooms to the front of the site (facing the highway) allowing for a mixed use, residential and commercial building to be formed. These properties will be open for sale to the local housing market, providing needed family homes close the village centre.

41. This application represents the renewal of a previous planning approval for exactly the same development, reference number 07/00358 which has lapsed. Due to the recent recession, and the severe economic conditions experienced by whole country, the applicant was unable to commence the development within the prescribed planning period. This planning approval was extended through application reference 10/00221, which has also lapsed, although the applicant believed that a substantial start had been made through the development work to the retained foyer building; however the LPA deemed this not to be the case.

42. This is a very challenging site for the applicant to develop. The dilapidated condition of the existing building along with the environmental conditions this type of development work entails, means it is a very expensive and time consuming process. However the challenge of delivering the five properties to this site remains and the applicant is committed to seeing the project through. He believes that these five new properties, although a small and modest development amount, will be a welcome addition, aiding the social, economic and development needs of the village.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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 residential development at the site, the impacts upon visual and residential amenity and highway safety.

The Principle of the development of the site

44. In terms of the principle of developing the site for residential purposes, the site is previously developed land and in accordance with the NPPF and Policy H3 of the Local

Plan, its redevelopment for residential purposes would accord with the objectives of these policies.

45. The site lies within the local centre and the picture house, which, is in a poor state of repair, has been vacant for many years. It does not provide a community or retail/service facility and its loss will not lead to a lack of supply of land for shopping within the local centre thereby protecting its vitality and viability in accordance with Policy S5 of the Local Plan.

Impact upon visual and residential amenity

46. The proposed dwellings would provide accommodation over three floors in the form of a terrace of townhouses with half dormer windows to both front and rear elevations. The properties would have a traditional appearance and are considered to be in scale and character with their surroundings. The removal of the Picture House itself would, it is considered, be beneficial in terms of the amenity of a number of residents from where it appears as an entirely dominant and oppressive building in a deteriorating state. The new dwellings would provide an adequate level of separation to surrounding properties, and while the north facing elevation would overlook gardens serving Front Street East, these gardens are not within the curtilage of the dwellings and the private amenity space located immediately at the rear of the properties will not be adversely affected. Therefore, the amenities of prospective and existing occupiers will be protected in terms of privacy and outlook. The proposals would, in these respects, accord with the requirements of Policies H3 and Q8 of the Local Plan.

Highways Issues

47. The acceptability of the proposals therefore rests upon whether or not the development would be to the detriment of highway safety. The site is considered backland for planning purposes, being located at the rear of existing properties and having a typical rear lane access. Policy H10, together with Policy T1 seeks to ensure that developments are served by a safe and satisfactory means of access and without harm to the amenity of existing occupiers.

48. The site can be accessed by two separate accesses onto The Avenue, however, both have poor visibility splays and the westernmost of the two being in close proximity of the traffic lights in the centre of the village.

49. The shortest route to the site would be from the westernmost access and traffic leaving the site and turning toward the centre of the village would have to turn across oncoming traffic at a junction with poor visibility. This would lead to conditions prejudicial to highway safety for pedestrians using the associated footways, road users and traffic associated with the proposed dwellings.

50. In addition, the site itself is accessed by a series of right angle bends within the rear lanes which are narrow and the level of traffic generated by the development in addition to that which already uses it would be a further condition prejudicial to highway safety for both vehicles and pedestrians.

51. The feasibility of introducing a one way system at the site has been investigated by Officers. However it has been concluded that a one way system would not offer any benefit to the area and would lend itself to enforcement difficulties.

52. It is recognised that the proposal to remove the redundant cinema building for a more productive use is of merit, however, highway safety is a primary material consideration to which significant regard must be had in determining applications. The NPPF states that

development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

53. While finding that in all other respects the proposed development is considered acceptable, this cannot be outweighed by the conclusion that the proposals are considered to be detrimental to highway safety in terms of traffic associated with the development, other road users and the safety of pedestrians, and accordingly Officers consider it appropriate to recommend the scheme for refusal.

Other issues

54. Given the aged and open nature of the property a Bat report was undertaken in reference to previous applications at the site. The development of the site has been identified as having a low risk to bats and the Senior Ecology Officer has advised that he offers no objection. Overall, the granting of Planning Permission would not constitute a breach of The Conservation of Habitats and Species Regulations 2010 as there is unlikely to be any interference with a European Protected Species.

55. The Coal Authority has objected to the proposed development and has suggested that a coal mining risk assessment is needed to ensure that the site is, or can be made safe and stable for development. While ideally these assessments should be submitted upfront it is Council Policy not to invalidate an application if such a risk assessment is lacking. This information can be conditioned and developers are required to submit a coal mining risk assessment and carry out any necessary remedial measures as part of any planning approval.

56. There have been two previous planning approvals for residential development on this site. However the first was approved contrary to officer recommendation on the basis of the benefits of development outweighing the highway safety issues at the time. That permission was subsequently renewed under delegated powers at a time when central government was encouraging renewal of extant permissions unless policy or other material considerations had changed since the earlier decision.

57. The current application represents a completely fresh submission where all relevant planning matters need to be considered. In this context, the serious highway safety issue is considered to override all other considerations and previous decisions should not be seen as establishing a precedent for approval.

58. The applicant's agent has suggested that the development had been commenced through the work carried out to the retained foyer building; however the matter of whether or not the development has commenced has been investigated by Officers who considered this not to be the case.

CONCLUSION

59. Officers consider the application acceptable in terms of the principle of the development and the impact upon visual and residential amenity. However, the development is considered unacceptable in Highways terms as it would generate additional traffic in and around this location which would be harmful to highway safety contrary to Policy T1 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework.

RECOMMENDATION

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

The proposals would result in increased levels of traffic generation in and around the site using unsatisfactory junctions with sub-standard visibility resulting in conditions prejudicial to vehicle and pedestrian safety contrary to Policy T1 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

62. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The application has been reported to committee within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
City of Durham Local Plan 2004
County Durham emerging local plan
Response from Councillor Williams
Consultee responses
Internal Consultee responses



Planning Services

Partial demolition of former cinema and erection of 5 no. dwellings with associated works (Resubmitted)

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Date 10th June 2014