



Area Planning Committee (Central and East)

Date Tuesday 9 June 2015
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 12 May 2015 (Pages 1 - 10)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/15/00702/LB - University Hospital of North Durham, North Road, Durham (Pages 11 - 22)
Demolition of Dryburn House, a Grade II Listed Building.
 - b) DM/14/03100/FPA - 40A, Front Street, Framwellgate Moor, County Durham, DH1 5EE (Pages 23 - 32)
Three-Storey Building comprising Two Flats with Off-Street Parking.
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

1 June 2015

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 and K Shaw

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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 Council Chamber, County Hall, Durham on **Tuesday 12 May 2015 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, S Iveson, C Kay, A Laing, B Moir and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, J Lethbridge and R Lumsdon.

2 Substitute Members

There were no substitute Members.

3 Minutes

It was highlighted that at page 8 of the printed Minutes, at discussions on item 5a, the word "approval" should be changed to "refusal" in the following sentence:-

"Upon a vote being taken approval of the application was defeated".

With the amendment noted, the Minutes of the meetings held on 14 April 2015 were confirmed as correct a record and signed by the Chairman.

4 Declarations of Interest

In relation to item 5c Councillor P Conway clarified that, although a member of Belmont Parish Council, he had taken no part in discussions on planning related business at the Parish Council.

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

a 4/12/00974/FPA – Land to Rear of 53 Whinney Hill, Durham City, DH1 3BD

The Committee considered a report of the Senior Planning Officer regarding the erection of a detached dwelling at land to the rear of 53 Whinney Hill, Durham City, DH1 3BD (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting.

Mrs J Gill, local resident, addressed the Committee to speak in objection to the application on behalf of Mr A Hayton, Chairman of Whinney Hill Community Group.

Mrs Gill highlighted that the report acknowledged there had been 11 objections to the application, however she advised that as 5 of the nearby 8 properties were HMO's, including 53 Whinney Hill, then those objections represented a substantial local response and attention was drawn to paragraph 38 of the report in that regard.

Local residents objected to the application on many grounds. It was felt that the proposed in-filling on garden land at 53 Whinney Hill, an area within the Durham City Conservation Area, seemed obtrusive and out of character with the 2 areas of buildings it would confront, which were originally council housing.

Members were advised that the row of 4 terrace houses had been built in the 1930's in a distinctive coherent style throughout the estate, all with front and rear gardens. Subsequently the 1960's uniform development of terrace housing and maisonette blocks of The Hallgarth had been built on the ancient Priory farmyard in a landscaped setting with gardens.

Mrs Gill suggested that the proposed building seemed to ignore the scale, style, design and materials of the surrounding buildings, which had been recommended in the Durham County design advice leaflet No.2, and in no way contributed to the character of the area.

Members were advised that proposed isolated, detached dwelling would be built to let to students and would dominate the remaining area of the garden at 53 Whinney Hill and also affect the outlook of the resident family at 52 Whinney Hill. Furthermore Mrs Gill felt that the dwelling would stick out in the party of The Hallagrth which it would face. It was felt the proposal signified overdevelopment of the backland garden area of a mid-terrace house, which was in contravention of saved Local Plan Policy H10.

Mrs Gill advised that the application showed no commitment to reasonable garden space for its residents, despite the assertion that it would be a family home. Furthermore it denigrated the existence of garden use , which was at odds with the character of the area and as such contrary to saved Local Plan Policy H13.

As in recent years, both The Hallgarth and Whinney Hill had been overwhelmed by buy to let student properties and so it was feared that the proposed development would be an addition to such student accommodation by the landlord of 53 Whinney Hill. It would therefore further erode the possibility of a balanced community in an already critical area of student overcrowding in the Durham Conservation Area, contravening saved Local Plan Policy H9.

Mrs Gill stated that the dwelling would not contribute any Council Tax to the County finances and advised that there were also several unresolved issues such as the position of Northumbrian Water's sewer in relation to the site.

The question of access to the building from The Hallgarth which required taking a strip of Council land, seemed dubious to local residents. It also seemed to contravene the traffic and parking recommendations of Policies T1 and T10 in seeking to provide 2 car parking spaces and to conflict with the Planning Officers observation at paragraph 44 of the report.

Mrs Gill advised that there was also cause for concern that the separation distances between the proposed building and both the nearest terraced properties, fell below requirements under Policy Q8 of the saved Local Plan.

Members were advised that objectors were shocked at the dismissive approach of the planning department as expressed in the conclusion of the report. Mrs Gill stated that to grant permission could create a dangerous precedent for further buildings on garden land behind Whinney Hill properties backing on to The Hallgarth and the Council track. Finally, Mrs Gill stated that the large number of conditions attached to the recommendation indicated the undesirability of the development.

Councillor D Freeman concurred with the views expressed by Mrs Gill and felt the proposal was poor development.

He stated that the application was contrary to saved Local Plan Policy H2 as the application site was greenfield land. Furthermore he felt that the application would have an inappropriate impact on the surrounding character of the area and thus was contrary to saved Local Plan Policy H10. Councillor Freeman also stated that the proposals would add nothing of benefit to the city conservation area.

In response to a query from Councillor Freeman, the Senior Planning Officer clarified that part of the area to be used for parking was Council owned and that there was an agreement between to the applicant and the Asset Management Team with regards the sale of that land.

Councillor Moir advised that having grown up in the area of the application site, he had been unaware the area was within the conservation area. In his opinion the area was completely overshadowed, not least by the adjacent prison and he highlighted that development had been ongoing in that area for many years. Councillor Moir could see no environmental reasons to refuse the application, pointing out that the area was predominantly former social housing and the proposal was development within a back garden.

In response to a query from Councillor J Clark, the Senior Planning Officer clarified that there had formerly been a garage building on the application site which had been demolished approximately 1 year earlier. Members were further advised that the NPPF did not preclude greenfield development especially within the curtilage of an existing property.

Seconded by Councillor A Laing, Councillor G Bleasdale moved approval of the application and upon a vote being taken it was,

Resolved: “That the application be approved subject to the conditions detailed within the report”.

b DM/15/00542/FPA – Land adjacent to Fir Tree Inn, Durham Road, Wingate

The Committee considered a report of the Senior Planning Officer regarding the construction of 10no. dwellings at land adjacent to the Fir Tree Inn, Durham Road, Wingate (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that since the report had been published, the Environment Agency had confirmed that it had no issues with the application but had requested that should permission be granted, 3 additional conditions be imposed as follows:-

Condition 1:

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2:

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Councillor A Laing advised that she passed the site regularly and in moving approval of the application, stated that she was confident the proposed development would tie in well with the surrounding properties.

In response to a query from Councillor M Davinson, the Senior Planning Officer clarified that there had been a lot of negotiation with the developer especially in relation to the proposals for the properties which would be positioned at the front of the site. There had been many changes made to arrive at a satisfactory proposal in terms of scale, design and layout.

In response to a query from Councillor C Kay, the Senior Planning Officer clarified that the S106 contributions per dwelling were currently based on the relevant saved Local Plan.

Councillor B Moir seconded the motion to approve the application and upon a vote being taken it was;

RESOLVED:- "That the application be approved subject to the conditions detailed within the report and for the reasons detailed within the report and the 3 additional conditions recommended by the Environment Agency as follows:-

Condition 1:

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall

take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2:

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

c DM/15/00911/RM – Land to the North of Willowtree Avenue, Gilesgate Moor

The Committee considered a report of the Senior Planning Officer regarding a reserved matters application for appearance, landscaping, layout and scale for the erection of 42no. dwellings and open space. Also discharge of conditions 1, 2, 6, 8, 11 and 14 of outline approval CE/13/01651/OUT at land to the north of Willowtree Avenue, Gilesgate Moor (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that a landscape plan had not been submitted and so would be required should permission be granted.

Mr Pears, local resident, addressed the Committee to speak in objection to the application. When the application had been completely rejected by the Committee in January 2015, residents had hoped that their concerns would be acted on by the applicant. However Mr Pears advised that had not been the case and instead the residents felt that the applicant had treated them with contempt. The public consultation which followed consisted only of residents being provided with a map of new proposals and the applicant had refused to engage with residents in relation to their concerns.

Mr Pears stated that the only change to application since January was the position of some properties. The tallest dwellings remained at the highest area of the site and so the issue of overlooking at the south side of the site was still of concern.

The developer had neglected to address the concerns relating to traffic problems, issues which had been experienced first-hand by the Committee during a previous visit to the site. Arrangements for works traffic also remained the same and the related concerns had again been ignored.

Other issues raised previously by residents had been ignored such as issues relating to flooding, separation distances between dwellings, excessive density of the proposed development and the contamination of the site.

Mr Pears felt that the developer had done the bare minimum in amending the proposals since the application had last been refused by the Committee. He highlighted that previously the Planning Inspectorate found that any development of the site would go against the core principles of the NPPF and Mr Pears pointed out that saved Local Plan Policy Q8 and part 7 of the NPPF were there to protect against over dense, overbearing and unsympathetic development schemes.

Councillor B Howarth, Belmont Parish Council, addressed the Committee to speak in objection to the application. The Parish Council acknowledged that the proposed density of the development was less than that which had been granted outline planning permission. However the Parish remained disappointed with the proposals, particularly as the only affordable housing element was a block of apartments. Members were advised that none of the proposed dwellings were suitable for elderly residents, dwelling types which were much needed in the area.

Councillor Howarth echoed the concerns raised by Mr Pears in relation to the tallest dwellings being situated at the highest area of the site. Concerns were also raised in relation to the potential for parked cars to overflow onto the adjacent highway. The proposal for the bin store at the apartment block was also a cause for concern as it would be situated on the street front and could be an eyesore.

Members were advised that 3 storey development in that area was considered completely unacceptable and would have an adverse effect on residential amenity, thus contravening saved Local Plan Policy Q8 and part 7 of the NPPF.

Mr N Morton, agent for the applicant, addressed the Committee. Members were advised that following the refusal of planning permission in January 2015 the applicant had reviewed carefully the reasons for refusal and had met with officers and local Members to address the issues raised. Following that, a consultation had been held in February 2015 and further to the issues raised during that process, the applicant had updated the proposals as reasonably as possible.

Members were reminded that the site had consent for the development of 49 dwellings and access arrangements had already been dealt with. Issues relating to parking arrangements were not relevant to the current application as approval was only being sought in relation to design and layout.

Mr Morton advised that the allocation in the County Durham Plan was actually for 60 dwellings at the site, as such the proposed density of development was much lower. Furthermore the applicant was confident that the current proposals would have much less impact on the highway.

All 2.5 storey dwellings which had been adjacent to existing properties had now been removed from the proposed scheme. In addition all separation distances had been increased. Amendments had also been made to design and window arrangements.

Mr Morton highlighted that Design and Conservation Officers and the Highways Authority had no objections to the proposals.

In relation to the 3 storey apartment block Mr Morton highlighted that there was already a similar building to the east of the site.

Councillor P Conway advised that he was aware that the proposals were a contentious issue locally. He reiterated concerns that he had raised previously that the final decision for outline permission had been taken while an appeal decision was outstanding.

He did acknowledge that since the last application before Committee, the applicant had undertaken a consultation and had taken on board some of the concerns which had been raised. Councillor Conway however highlighted that it took for the application to be refused by the Committee in January 2015 for local residents to get a say in the proposals. Furthermore, the consultation had been very last minute and he did not feel that it had been acceptable.

Councillor Conway believed that saved Local Plan Policies H13 (character and amenity), H12 (affordable housing element), Q8 (layout) and the NPPF in relation to design, layout and sustainability, were all relevant reasons for the application to be refused. He believed that there remained issues with regards the drainage, flooding and ecology of the site. Councillor Conway also remained concerned about overbearing impact from the 3 storey apartment block. As such, Councillor Conway moved that the application be refused.

In response to a query from Councillor B Moir, the Senior Planning Officer clarified that the landscape plan had been submitted however had not been included in the Committee report under condition no.2.

Councillor Moir felt that rather than being a consultation, what the applicant had actually undertaken in February 2015 had been a presentation. Residents had been provided with a map which basically set out the applicants plans and that process had not been intended as an opportunity to engage with residents over their concerns. Councillor Moir believed that the current proposals were based on the best option for the applicant as opposed to being based on the views of local residents.

In relation to the 3 storey apartment block, Councillor Moir believed it remained too high and too close to existing dwellings and would be best placed at the lower point of the site. He seconded the motion to refuse the application.

In response to a query from Councillor J Clark, the Senior Planning Officer clarified on a site layout map the location of the 2.5 storey dwellings. In relation to a query regarding floor levels, he further clarified that the finished floor level of the 3 storey block would be no higher than that of existing properties.

Councillor Conway clarified the reasons for moving refusal of the application as follows:-

The development would not be appropriate in layout, design and scale to the character of its surroundings and would detrimentally affect amenity within the locality, contrary to Policy H13 and Q8 of the City of Durham Local Plan and Part 6 and 7 of the National Planning Policy Framework. Further, that the quality of affordable housing and the design of the apartment block were contrary to saved Local Plan Policy H12.

Following advice from the Solicitor and Senior Planning Officer, policy H12 was removed as a reason for refusal as it was not relevant.

Councillor Moir supported the final reasons for refusal and stated that residents, officers and Members all had a common goal of arriving at the best possible solution for development of the site in terms of design, scale and layout. While it was acknowledged that there was outline permission for development of the site, the final scheme had to be satisfactory to all concerned parties.

Councillor Kay acknowledged that there would eventually be development on the site at some point, however he too had reservations about the current proposals, particularly the proposal to place the tallest dwelling at the highest part of the site.

Indeed he could see very little difference between the current application and that which had been considered by the Committee in January 2015. He supported the motion to refuse the application and urged the developer and the residents to communicate with one another to arrive at a mutually agreeable solution for the site.

The Senior Planning Officer took the opportunity to address some of the points raised as follows:-

- Floor levels and building heights – In relation to the 3 storey apartment block, the Committee was advised that in relation to residential amenity, the block would not have a detrimental effect as it would be situated well within the site and would not be positioned next to any existing properties;
- Design – There was already a 3 storey block of flats in the area and the proposed block would not be overly big by comparison;
- The 2.5 storey dwellings which originally would have abutted Willowtree Avenue had now been relocated.

Councillor D Freeman concurred with the motion to refuse the application. Only slight changes had been made to the proposals since January 2015 and he concurred with comments from other Members that he wished only to see the best development scheme for the site.

Upon a vote being taken it was,

RESOLVED:- “That the application be **REFUSED** as the development would not be appropriate in layout, design and scale to the character of its surroundings and would detrimentally effect amenity within the locality, contrary to Policy H13 and Q8 of the City of Durham Local Plan and Part 6 and 7 of the National Planning Policy Framework”.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00702/LB
FULL APPLICATION DESCRIPTION:	Demolition of Dryburn House, a Grade II Listed Building
NAME OF APPLICANT:	County Durham & Darlington NHS Foundation Trust
ADDRESS:	University Hospital of North Durham, North Road, Durham
ELECTORAL DIVISION:	Nevilles Cross
	Chris Baxter
CASE OFFICER:	Senior Planning Officer
	03000 263944
	chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of Dryburn House which is a Grade II listed building located within the grounds of the University Hospital of North Durham, directly opposite the A&E department. Dryburn House is a two storey former country house that was built in 1824 on the edge of Durham as the residence of William Lloyd Wharton.
2. Dryburn House is located to the south east of the main hospital building. Single storey 20th Century hospital buildings surround Dryburn House abutting it to the south and west.

The Proposal

3. Listed building consent is sought for the demolition of the Grade II listed building, Dryburn House. The demolition is required to make way for an extension to the hospital as the Hospital Trust has identified an urgent requirement for the provision of a new Emergency Care and Urgent Care facility. The Hospital Trust have indicated that there is an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department. In total, 8 different options were considered to redevelop the A&E department which were:
 - Option 1 – extension into the central courtyard
 - Option 2 – extension to the west of the existing hospital
 - Option 3 – Stand alone Emergency Care Centre building with a link to the existing hospital
 - Option 4 – Extension to the south west of existing A&E department, partial demolition of Dryburn House.

- Option 5 – Extension to the south east of existing A&E department with complete demolition of Dryburn House.
 - Option 6 – Extension over the existing service yard to the north east of the existing A&E department
 - Option 7 – Relocation of the hospital
 - Option 8 – Vertical extension.
4. This application is referred to the Planning Committee as the application was called in by Councillor Holland.

PLANNING HISTORY

5. In terms of Dryburn House, there have been various permissions granted over the years for internal and external work including extensions to the building.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 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.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *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.
12. *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.

13. *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

14. *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.
15. *Policy E23 (Listed Buildings)* seeks to safeguard Listed Buildings and their settings from unsympathetic development.

EMERGING POLICY:

County Durham Plan

16. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *The Ancient Monuments Society* has objected to the demolition stating that there are other options available and the listed building is in good condition.

18. *Historic England* do not object to the application but does request that a legal agreement is entered into to ensure that the building is not demolished without surety of its replacement for the use of a hospital.

19. *Natural England* has not raised any objections.

20. *Georgian Group* has raised objections because without a better understanding of the hospital's future plans, it is not possible for those assessing the merits of the scheme to objectively assess the degree of public benefit which would accrue from these proposals.

INTERNAL CONSULTEE RESPONSES:

21. *Archaeology* has not raised any objections.

22. *Ecologist* has not raised any objections.

23. *Design and Conservation* has not objected to the scheme. It has been concluded, as with the loss of any heritage asset the outcome is highly regrettable. In this case it is considered that following a robust appraisal of all of the options put forward, including in these discussions medical professionals who clearly understand the aims of the new model of emergency care and its operation, the public benefits outweigh the harm.

PUBLIC RESPONSES:

24. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 8 letters of objection and 4 letters of support have been received.

25. The letters of objection indicate that the listed building is a good quality heritage asset, both internally and externally, and the building should be preserved. The objectors do not feel that there is justification to demolish the building. Some objectors have indicated that demand for A&E services in Durham has been artificially increased by the closure of Bishop Auckland and Hartlepool A&E departments. It is also considered unacceptable that Dryburn House, which was the residence of the Wharton family, is to be demolished when the upgrade of Wharton Park is currently underway.

26. All the letters of support state that they understand the need to preserve heritage assets. However it is noted that the increasing demand on the A&E department must be a concern for all residents of County Durham. It has also been indicated that increasing the footprint of the A&E department would go a long way to reduce waiting times.

27. City of Durham Trust objects to the demolition as the building is of good condition, and there are other alternative solutions. The proposal is considered to contravene paragraph 133 of the NPPF.

APPLICANTS STATEMENT:

28. The University Hospital of North Durham was built in 2001 as the main acute hospital for North Durham serving a population of around 250,000 presently 300,000.
29. The current Accident and Emergency Department was originally built to accommodate 30,000 patients per year; this has risen to an excess of 60,000 patients p.a.
30. Based upon recent trends the Trust is forecasting a continuing 3% year on year increase in demand.
31. As a result of the above, the Trust has identified an urgent need to address the unprecedented demand upon its services through a redevelopment of its Accident and Emergency Department and its whole 'front of house' care model. To achieve this, a major extension to the Hospital's existing facilities will be required.
32. Hospital design is particularly complex where certain 'clinical adjacencies' need to be achieved in order to deliver effective patient care. An A&E Department needs to be close to X-Ray facilities with a multitude of imaging modalities including CT and MR Scanners, Operating Theatres, and Intensive Care Unit as well as a range of other diagnostic services and inpatient wards. Children need separate facilities to ensure a safe and welcoming environment but these also need to be co-located with diagnostic and resuscitation facilities.
33. It is also important that all ambulance bound patients access the hospital via one entrance only from which they can be transferred to the most appropriate location for assessment or treatment.
34. To deliver the best patient outcomes without compromising patient safety it is important that the requirements outlined above are met.
35. A range of options have been prepared which consider alternative locations and different designs, including the following:
 - Full or partial retention of Dryburn House;
 - Full demolition.
36. The retention of a Listed Building would always be the preferred option, given the statutory requirement to preserve Listed Buildings. However, in this case it is clear from the results of the options appraisal that there are no other alternative sites or designs that meet the Trust's requirements. The Trust contends that the need for and benefits of the new emergency department far outweighs the substantial harm caused by the demolition of Dryburn House. The case is as follows:
 - The new emergency department needs to be twice its current size to deal with the number of patients that it receives
 - The new facilities will provide lifesaving care - providing emergency medicine of the highest quality to the public is paramount
 - The future demand is predicted to continue to increase, with an increasing ageing population
 - The urgent need for the new facilities is a substantial public benefit to which significant weight must be given in decision-making
 - The only way to deliver the very specific requirements of the hospital is by demolishing Dryburn House - there are no other sites or designs that are suitable without compromising patient safety

37. There are therefore considered to be exceptional circumstances for the loss of Dryburn House, because of the significant benefits that the new development will bring to the hospital and indeed the County's population.

PLANNING CONSIDERATIONS AND ASSESSMENT

38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the loss of a heritage asset and public benefit; and impact on ecology.

Loss of heritage asset and public benefit

39. Whilst this application seeks consent for the demolition of the above grade II listed building it is fundamental to the consideration of this application that the context in which it is made is clearly understood. Pre application discussions have been ongoing on this matter for some considerable time with a range of options to deliver a new emergency care centre on the University Hospital of North Durham site being considered.
40. Some of the options that have been developed as part of this process have a bearing on Dryburn House, which is situated on the Hospital site. The submitted emergency care centre report sets out the rationale for the project, considers the different locations within the site and design solutions that have been considered, it also provides reasons why they were discounted. A separate report has been prepared that considers the heritage significance of Dryburn House and the impact of the different options for the new emergency care facility on the heritage asset.
41. What is not immediately clear from the submitted documentation is that all of the options submitted have been subject to robust challenge by the local planning authority and other heritage professionals in the pre application process and all efforts have been made to deliver a scheme which would protect the significance of the listed building. Within the very precise clinical requirements which have been set out by lead clinicians this has not been possible, hence the result which has been reached to demolish the building.
42. The submitted heritage statement adequately summarises the significance of the building. This said, whatever compromise and damage has occurred in the form of loss of setting and alteration and extension, the building is still sufficiently intact, internally and externally to warrant its grade II listed status, especially when combined with its historic and communal value being the house of a notable resident and philanthropist of the city.
43. The primary architectural interest of Dryburn House lies in the original fabric and architectural design of the main original building. Its external appearance is typical of a property of its age and stature, a form favoured at the time throughout County Durham by wealthy individuals. Features such as the porte cochere, symmetrical composition of the key façades and bow fronted southern elevation, reflect its scale and setting within a substantial estate and the status of William Lloyd Wharton and his role within Durham. The aesthetic value of the composition of the main building is marred by modern extensions and its compromised setting. Internally, remaining original details and the plan form clearly contribute towards the architectural interest of the building, although they are limited by a lack of consistency and much variety,

suggesting some alteration and poor adaptation over the years especially as a result of the introduction of new services.

44. Whilst the heritage statement suggest that "the property has some associative historic and communal value owing to its connection with William Lloyd Wharton, a notable Durham resident who had a lasting legacy on the City including Wharton Park." this is thought to underplay the link especially in the light of revived interest in Wharton and the park for which he gifted the land. It would be more appropriate to suggest that this link gives the building considerable historic and communal value.
45. Overall the building is considered to remain of significance notwithstanding the loss of original setting and inappropriate alteration and its loss should be considered accordingly. By way of context the submitted heritage statement refers to other such examples of small country houses from the same period which provides nothing more than an understanding of the building type and should not be considered to justify the loss of Dryburn Hall merely because other similar properties, perhaps in a more intact form remain. It is however useful in consideration of this matter to understand the rarity of the building as a type in a wider context.
46. Paragraph 128 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary." It is considered that the submitted heritage statement fulfils this requirement and appraises the impact on the contribution to significance made by setting as well.
47. Paragraph 129 of the NPPF states that "local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal." Due to the nature of the proposal conflict cannot be minimised and this is acknowledged in the submission.
48. Paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. It is considered that the delivery of effective emergency care to a large section of the County Durham population is an exceptional case, and given there are no credible alternative options available.
49. Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this case it is considered that the benefits, of providing a much improved Emergency Care and Urgent Care facility, to the public at large outweigh the loss.

50. It is clear that Dryburn House as a listed building is worthy of retention, as it still retains important features, both internally and externally, and the heritage significance of the building still remains. The demolition of the listed building does therefore contradict policy E23 of the local plan as well as a number of sections within the NPPF. The NPPF does however states that the loss of a designated heritage asset, such as a listed building, can be considered acceptable if substantial public benefits outweigh that loss. Through the submissions made in this application, it is clear that there is substantial public benefits in providing a much improved new emergency care centre, which will benefit a large section of the population of County Durham. On balance, it is therefore considered that the significant public benefit of an improved emergency care centre at the hospital would justify the loss of the designated heritage asset, Dryburn House, in this particular instance. The proposal is therefore considered to be in accordance with paragraph 133 of the NPPF.
51. In order to comply with paragraph 136 an appropriate mechanism should be set in place to ensure that the demolition of the building does not occur until such times as the local planning authority can be assured that the new development will be delivered and the public benefits used to justify the loss will flow from this development. A section 106 legal agreement is therefore recommended which will ensure mechanisms are in place to ensure that Dryburn House will not be demolished until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment. In addition to this an appropriate record of the building should be made and archived appropriately, given a full written heritage statement has already been produced it is considered that recording equivalent to Historic England level 3 would be appropriate, however, the final form should be in accordance with a brief agreed by the local planning authority. Conditions are recommended accordingly.
52. It is noted that there have been a number of letters submitted from the general public commenting on this application. Both letters of objection and support have been received, and the assessment made above covers the majority of the issues raised by the public. Some objectors do indicate that demand for A&E services in Durham has been artificially increased by the closure of Bishop Auckland and Hartlepool A&E departments. The NHS Trust's plan for the University of North Durham is to provide a new type of 'front of house' facility, which is different to the A&E services of the past. The new Emergency Care and Urgent Care unit would incorporate an emergency department providing a full range of treatments and interventions from trauma to minors and ambulatory care. There will also be paediatric, medical and surgical assessment areas staffed with key decision makers to ensure the patients are seen by the right person at the right time every time. These departments do not function alone and in order to provide effective care, they need the back-up of a full range of specialist physicians, surgeons and diagnostics 24 hours a day, seven days a week to make sure that all of the expertise a patient might need in an emergency is available. These specialist services required for the new Emergency Care and Urgent Care unit do not exist in nearby hospitals at Bishop Auckland and Sholey Bridge. These specialist services are only available at the University of North Durham within County Durham. Officers are satisfied that the new Emergency Care and Urgent Care unit could not be provided within existing hospitals elsewhere in the County.

Impact on ecology

53. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have

established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is 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 licence from Natural England.

54. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions the Local Planning Authority must consider a detailed assessment against the 3 no. "Derogation tests" of the Habitats Directive.
55. A bat survey of the buildings to be demolished has been submitted with this application. This survey indicates that there is no records of bats in any of the buildings and no bats roosts were identified. Dryburn House and its ancillary buildings are therefore classed as a low risk for use by roosting bats. The survey acknowledges that there is limited opportunity for bats to gain access to the fabric of the building, however some precautionary mitigation measures are recommended during the demolition of the buildings. The submitted assessments have been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the assessment or the proposed mitigation measures. A condition is recommended ensuring that the mitigation measures are adhered too, and this condition is recommended accordingly. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF.

CONCLUSION

56. It is clear that Dryburn House as a listed building is worthy of retention, as it still retains important features, both internally and externally, and the heritage significance of the building still remains. The demolition of the listed building does therefore contradict policy E23 of the local plan as well as a number of sections within the NPPF. The NPPF does however states that the loss of a designated heritage asset, such as a listed building, can be considered acceptable if substantial public benefits outweigh that loss. Through the submissions made in this application, it is clear that there are substantial public benefits in providing a much improved emergency care centre, which will benefit a large section of the population of County Durham. Various different options to provide the emergency care centre at the hospital have been fully investigated and assessed by Officers from the Council and other heritage professionals. Officers are satisfied that the loss of Dryburn House is the only viable option to provide a new emergency care centre which will meet clinical requirements. On balance, it is therefore considered that the significant public benefit of an improved emergency care centre at the hospital would justify the loss of the designated heritage asset, Dryburn House, in this particular instance. The proposal is therefore considered to be in accordance with paragraph 133 of the NPPF.
57. A bat survey of the proposed buildings to be demolished has been submitted which indicates that there is no evidence of bats or bat roosts. The County Ecologist is satisfied with the findings of the bat survey. It is therefore considered that the

proposed demolition of the buildings in this application would not compromise protected species or their habitats. The proposal would therefore be in accordance with policy E16 of the local plan.

RECOMMENDATION

That Members **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to ensure no demolition is carried out until planning permission has been granted for the redevelopment of the A&E department at the hospital and contracts and development timescales are in place for the subsequent redevelopment; and subject to the following conditions;

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Ref No.	Description	Date Received
IL22275-001	Site Plan	06/03/2015
IL22275-002	Location Plan	06/03/2015

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

3. No demolition hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species reports, Bat Survey Report February 2015 by Barrett Environmental Ltd.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of work in accordance with a written scheme of investigation, which is submitted to, and approved in writing by, the local planning authority as follows:
 - i. Methodologies for a Level 3 HE style building record prior to any demolition works or stripping out of fixtures and fittings.
 - ii. 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 approved strategy.
 - iii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.
 - iv. A draft selection of the photographic record is to be submitted for inspection before the demolition commences to ensure that the record is of suitable quality.
 - v. Archive preparation and deposition with recognised repositories

Reason: In the interests of the appearance of the area and to comply with policy E23 of the City of Durham Local Plan.

5. Prior to the subsequent development being beneficially occupied, a copy of the report or any analysis, and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

Reason: In the interests of the appearance of the area and to comply with policy E23 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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
Emerging County Durham Plan



Planning Services

**Demolition of Dryburn House, a
Grade II Listed Building at
University Hospital of North
Durham, North Road, Durham**

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**Date
9th June 2015**

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03100/FPA
FULL APPLICATION DESCRIPTION:	Three-Storey Building comprising Two Flats with Off-Street Parking
NAME OF APPLICANT:	Gilesgate Properties Ltd
ADDRESS:	40A, Front Street, Framwellgate Moor, County Durham, DH1 5EE
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Allan Fenwick allan.fenwick@durham.gov.uk 03000 261 957

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a strip of land between 40 and 41, Front Street measuring approximately 5m wide by almost 40m deep which appears largely neglected with a detached garage centrally sited within the plot. The site to which this application relates is located to the north of the designated local shopping centre of Framwellgate Moor within Durham City.

The Proposal

2. Full Planning Permission is sought for a three-storey building comprising of a one bedroom ground floor flat and a two bed roomed flat at first and second floor level set between 40 and 41, Front Street. The proposal would replace the existing garage on the same part of the site.
3. The building will be set back from the building line of the immediate street scene by approximately 6m to accommodate two parking spaces and will measure an approximate depth of 18m at ground floor and 10m at first and second floor levels with an overall height of no more than 9m to its ridge height.
4. The site to which this application relates has previously benefitted from permission (4/05/00141/FPA and 4/06/00125/FPA) to construct two residential units which have since lapsed.
5. The application is brought before members at the request of Councillor Mark Wilkes on grounds of lack of parking provision and impact upon street scene.

PLANNING HISTORY

6. 4/04/01232/FPA: Erection of detached Dwelling House: Refused 24/11/2004

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below
10. The following elements of the NPPF are considered relevant to this proposal
11. 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
12. 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
13. 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
14. 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

LOCAL PLAN POLICY

City of Durham Local Plan

15. Policy H2 – New Housing within Durham City states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with saved Policies E3, E5, E6, Q8, R2, T10 and U8A
16. 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

17. 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 minimized
18. 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

RELEVANT EMERGING POLICY

The County Durham Plan

19. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the City of Durham Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
20. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
21. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.
22. 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.

23. Policy 15 (Development on Unallocated Sites) – States that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
24. 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.
25. 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.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Parish Council: Following very careful consideration, Framwellgate Moor Parish Council would like to fully support the comments already made by residents in the vicinity of the application site where residents have objected to the proposal for the reasons they have quoted

INTERNAL CONSULTEE RESPONSES:

27. Contaminated Land: No adverse comments
28. Drainage and Coastal Protection: No objection given the application site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations
29. Ecology: No objection given the application supports a limited range of habitat types with the potential for nesting birds. Overall, the granting of Planning Permission would not constitute a breach of the relevant conservation and habitats regulations. The Applicant will be made aware of their duties and responsibilities by way of an Informative
30. Highways Development Management: The proposal is considered acceptable on this occasion given that a previous application for two flats at the same site with the same parking arrangements has previously been approved, though not implemented
31. Noise Action Team: No objection to the scheme, in principle, subject to an Informative advising the Applicant of their responsibility in respect of noise, dust and construction hours

PUBLIC RESPONSES:

32. The application was advertised by means of a site notice and by letter to 11 neighbouring properties within the area. 5 letters of objection have been received raising concerns relating to:
- Residential and visual amenity
 - Impact upon street scene
 - Parking provision

APPLICANTS STATEMENT:

33. The Agent acting on behalf of the Applicant was invited to submit a statement in support of this application. At the time of report preparation, nothing has been received

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

34. 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.
35. The main considerations in regard to this application are the principle of the development, impact upon the street scene, residential and visual amenity and highways.

Principle of Development

36. There is a presumption in favour of sustainable development and the government is committed to ensuring the planning system does everything it can to support sustainable economic growth at the heart of the National Planning Policy Framework (NPPF). It is essential that social, economic and environmental issues are supported in equal measure. The NPPF's twelve core planning principles state that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These aims are also reflected in the current saved Policies of the City of Durham Local Plan.
37. In the first instance, Paragraph 56 of the NPPF suggests great importance shall be attached to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should positively contribute to making places better for people. In turn, Paragraph 60 further suggests planning policies and decisions should not attempt to impose architectural styles or particular tastes or stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. In addition, Paragraph 61 also acknowledges whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and

decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

38. Similarly, saved Policy H2 of the current City of Durham Local Plan suggests new housing development comprising of windfall development of previously developed land and conversions will be supported subject to the protection of both the character and setting of Durham City whilst also according with relevant design and traffic saved policies. In turn, saved Policy H13 suggests planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of adjacent residents. In addition, saved Policy Q8 also 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 ensuring the impact upon the occupants of existing nearby properties should be minimised. In terms of amenity and the privacy of existing and future residents, main elevations which face each other are required to have a minimum separation distance of 21m.
39. The application site is located within the settlement boundary in between a terrace of residential properties, situated to the west of Front Street and to the north of the designated local shopping centre of Framwellgate Moor within Durham City.
40. Therefore, it is considered the principle of development accords with the aims and objectives of the National Planning Policy Framework and the relevant saved policies of the current City of Durham Local Plan which promote sustainable economic growth in town and city centres. Indeed, the proposal is considered well related to other residential properties and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities in the immediate vicinity of Framwellgate Moor with excellent public transport links along Front Street to wider areas of Durham City. The development would take place on the site of the existing detached garage and part of the associated hardstanding, and so would be considered to be previously developed land.
41. It is also relevant to note that the principle of development has previously been established following the submission and approval of two similar planning applications to construct two residential units but which have since lapsed (4/05/00141/FPA and 4/06/00125/FPA).

Impact upon Street Scene

42. The development of the site for housing is considered to relate appropriately to the existing settlement, forming a continuation of development within the settlement boundary between two existing and well-established residential dwellings between 40 and 41, Front Street.
43. The existing residential dwellings within the immediate vicinity of the application site are terraced with properties to the south on the edge of the Framwellgate Moor Centre and to the north of Pity Me. The immediate residential properties are all Victorian complemented with bay windows and traditional architectural features.
44. Whilst the site to which this application relates sits between two such houses, the footprint of the building will not adjoin either or set out to join the terrace. Indeed, the site is separated from either property by their respective driveways and amenity space and so afforded a degree of isolation which opens the potential for a very deliberate yet subtle alternative design which will not appear within the street scene to be completely integrated with the established terraces elsewhere along Front Street.

45. Indeed, the building will be detached with residential accommodation spread over three floors and so may appear higher than the existing properties either side. However, this will be somewhat mitigated given the narrow building would be set back almost 6m from the classified highway and benefit from a degree of space from the large Victorian dwellings on either side ranging from 2.5m from the south facing boundary and 3m from the north facing boundary. In any event, the ridge height of the building will be no higher than that of the immediate adjacent properties. It is considered the proposal represents a building that in terms of massing relates well to its neighbours. The adherence to the building line is not considered critical given the separation distance and the contrast in style of the proposal compared to the immediate neighbouring properties. Ultimately, it is considered a modern pastiche of the adjacent properties with lower modern ceiling heights together with the narrow constraints of the application site set against the generous proportions of the existing and established Victorian terrace, would otherwise result in the proportions of the street scene having a different appearance. Officers consider the proposals represent a potentially characterful addition to the street scene. Admittedly, the proposal will need to bear some reference to the surroundings. It is considered this can be appropriately achieved through condition of materials and means of enclosure enabling the building to integrate well within the terrace whilst having a character of its own and not being unduly obtrusive.

Residential and Visual Amenity

46. In terms of amenity of adjacent neighbouring properties, the adjacent neighbouring property 40, Front Street is located to the south of the application site and is separated by their driveway which affords an adequate degree of light and separation. The orientation will ensure the proposal will have no impact in respect of sunlight. Similarly to the north, the adjacent neighbouring property 41, Front Street will be unaffected by overlooking given the gable elevation of the building will be a solid wall. Whilst it is acknowledged the building will overlap the rear garden curtilage of the adjacent neighbouring property, it is considered its impact is somewhat mitigated by the separation distance and the building will occupy a similar position to that of the existing garage. Furthermore, the overlap beyond the extent of the existing building is only single-storey in height, such that its impact is considered acceptable. The proposal will comfortably meet the required minimum distancing standards given there would be a separation distance of more than 30m between the rear elevations of 7 and 8, Alexandra Close situated to the west of the application site and the building at both first and second floor levels. It is anticipated the proposal will allow for the re-development of an untidy site thus significantly improving the general environment of the area and that of local residents.

Highways

47. Following detailed discussions and protracted negotiations between the Agent, Case Officer and Highways Officer, it is considered the Agent acting on behalf of the Applicant has since submitted revised drawings to ensure this application may be looked upon more favourably.
48. Whilst an area of parking enclosed by a boundary fence will leave little room for circulation when two cars are parked, the Highways Officer has considered the proposal acceptable on this occasion given that a previous planning application for two residential units within the application site with the exact same parking arrangements has previously been approved. The parking facilities, although representing a somewhat constrained arrangement, are designed to the dimensions of two standard parking spaces, thereby satisfying the parking requirements for two flats.

Other Issues

49. The Area Assistant Drainage Engineer has confirmed the application site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
50. The Contaminated Land Officer has considered the submitted phase 1 desk top study report and confirmed there is no requirement for a land contamination condition
51. The Principal Ecologist has considered the submitted bat risk assessment and offered no objection to the application given the application site supports a limited range of habitat types with the potential for nesting birds. Overall, the granting of Planning Permission would not constitute a breach of the relevant conservation and habitats regulations.
52. The Senior Environmental Health Officer has offered no objections to the scheme, in principle, subject to an Informative attached to any decision issued by the Local Planning Authority. The Informative will advise the Applicant of their responsibility in respect of noise, dust and construction hours.
53. Concerns have been raised by neighbours in respect of encroachment upon and within adjoining garden curtilages as a result of scaffolding and other building work that may indirectly cause damage to adjacent properties. With this in mind, an 'informative' will be attached to any decision issued by the Local Planning Authority. The informative will inform the Applicant of their duty to give notice to the resident of their intentions before commencing work as legislated under 'The Party Wall etc Act 1996'. Ultimately, this is a 'civil issue' to which the Local Planning Authority has no jurisdiction and is a matter for the Applicant and residents of the adjacent neighbouring property to pursue and resolve amicably between one another. Other concerns raised by residents, the Parish Council and County Councillor have been addressed within this report.

CONCLUSION

54. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing an adverse impact to residential and visual amenity in addition to highway safety. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework and saved Policies of the current Local Plan.

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 documents. Application Form, Design and Access Statement, Drawing Numbers 3814/L-01 and 3814/SK-101D received 14/10/2014, Bat Risk

Assessment and Phase 1 Desk Top Study Report received 15/01/2015 plus Drawing Number 3814/SK-100E received 23/04/2015.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies H2, Q8 and T10 of the City of Durham Local Plan.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies H2 and Q8 of the City of Durham Local Plan.

4. Prior to the commencement of the development, details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwellings.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies Q8 and T10 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 in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development

BACKGROUND PAPERS

- Submitted Application Forms and Drawings
- Design and Access Statement
- Bat Risk Assessment and Phase 1 Desk Top Study Report
- National Planning Policy Framework
- City of Durham Local Plan 2004
- Emerging County Durham Plan
- Consultation Responses



Planning Services

**Two-Storey Dwelling comprising Two Flats with Off-Street Parking
40A, Front Street, Framwellgate Moor, County Durham, DH1 5EE**

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Comments

Date. 26 May 2015

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