



Area Planning Committee (Central and East)

Date Tuesday 8 September 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 Last Meeting held on 14 July 2015 (Pages 1 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/15/01616/LB - Former school premises, Seaside Lane, Easington Colliery (Pages 15 - 24)
Demolition of former school buildings.
 - b) DM/15/01747/FPA - Land Rear of 2 Seaside Lane South, Easington, Peterlee, SR8 3PN (Pages 25 - 34)
Dwellinghouse.
 - c) DM/15/01730/FPA - 17 South Bailey, Durham, DH1 3EE (Pages 35 - 48)
Demolition of existing building and erection of Learning Resource Centre.

- d) DM/15/01765/OUT - Thinford Inn, Thinford Lane, Thinford, Durham, DH6 5JY (Pages 49 - 70)

Demolition of existing public house (full permission) and outline planning permission for the erection of a pub/restaurant (Use Classes A3/A4), gym (Use Class D2), restaurant (Use Classes A3/A5) and hotel (Use Class C1), with all matters reserved except for access, and full planning permission for the erection of a drive-through coffee shop (Use Classes A3/A5) and retail bakery unit (Use Class A1), along with associated car parking, servicing and landscaping.

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

28 August 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

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 14 July 2015 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, P Conway, K Corrigan (substituting for Councillor B Moir), M Davinson, K Dearden, D Freeman, C Kay, A Laing, J Lethbridge, J Robinson, K Shaw and A Turner (substituting for Councillor S Iveson).

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, S Iveson and B Moir.

2 Substitute Members

Councillor K Corrigan substituted for Councillor B Moir and Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meetings held on 9 June 2015 were confirmed as correct a record and signed by the Chairman.

4 Declarations of Interest

In relation to item 5b Councillor P Conway and Councillor K Corrigan both clarified that, although members of Belmont Parish Council, they 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 DM/15/00455/FPA – Durham Cathedral, North Churchyard, Palace Green, Durham

The Committee considered a report of the Planning Officer regarding the relocation of “The Journey” sculpture from Millennium Place to North Churchyard, Durham Cathedral, widening existing entrance paths, alter the surfacing of the path to sandstone setts, relocating two seats and associated lighting at Durham Cathedral, Palace Green, Durham (for copy see file of Minutes).

The Principal 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 existing site and were familiar with the location and setting, but were also familiar with the location and setting of the proposed re-siting of the sculpture. It was reported that 2 conditions had been suggested by the Archaeology Officer as follows:-

CONDITION 1 (for Archaeological monitoring)

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

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) 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.

The development shall then be carried out in full accordance with the approved details.

Reason: In the interests of historical and archaeological interest to comply with Policy E24 of the former Durham City Local Plan as the site is of archaeological interest.

CONDITION 2

Within 3 months of the substantial completion of the works a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: In the interests of historical and archaeological interest to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

Ms K Thomas addressed the Committee to speak in objection to the application. Ms Thomas advised that as a founder member and Trustee of the sculpture, the Trust Deed stated that the objectives of the Trust was to promote the enhancement and improvement of the City of Durham through the erection and maintenance of a memorial to the history and heritage of the area and in doing so, advance the education of local people in areas such as art, literature and culture.

The objectives supported the social role of sustainable development for strong, vibrant, healthy communities' needs and also supported social and cultural wellbeing.

Ms Thomas spoke of the pride in the story of Cuthbert, which she believed to be a story for the cultural wellbeing of everyone, regardless of race, religion or background and for those that may not visit the Cathedral.

Members were advised that the bronze cast of the sculpture was commissioned for the people, paid for by the people and located in a city centre site with access for all. Ms Thomas highlighted that planning guidance recommended that local authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

Ms Thomas stated that uprooting the sculpture from the gateway site where children played around it, visitors photographed it and school parties gathered, would trample on the spirit of a publicly funded artwork. Members were advised that the former Durham City Council had fully supported the siting of the sculpture and had granted the £27,000 shortfall which, together with charitable funds, had paid for the cast.

Ms Thomas urged the committee to keep the sculpture where all could enjoy it and to support local initiatives to improve Millennium Place with funds already granted as part of environmental improvements.

Members were advised that the issue of anti-social behaviour was not reason enough to relocate the sculpture and instead efforts should be made to deal with the bad behaviour.

Ms Thomas concluded by stating that a Norman conquest cathedral was not an appropriate location for a sculpture depicting the passage of the coffin of a Celtic saint.

Ms E Ashby addressed the Committee to speak in objection to the application. She believed there to be significant errors in the report. She felt that the petition which was submitted in objection to the application did not receive the same coverage as the petition to support the application and as such Ms Ashby felt that Members had been denied evidence of the strength of objections.

Ms Ashby further advised that while the legal notice of the application might have been advertised properly, there were many stakeholders who had been unaware of the application, including local schools.

Concerns were raised regarding the archaeology of the area as Ms Ashby highlighted that conditions relating to archaeology would only come into force after any area was disturbed. She therefore queried whether saved Local Plan policy E24 was justified.

Members were advised that the proposed location for the sculpture would cause accessibility issues. If wheelchair users were to stop to look at the sculpture, an obstruction would be caused on the Cathedral pathway, thus restricting access to other visitors.

In relation to conditions 3 & 4 as detailed within the officers report regarding paving and lighting, Ms Ashby felt that those issues should not be left to be decided at a later date and should be determined as part of the consideration of the application.

Ms Ashby concluded by querying who the Journey Consortium were, they were not a group which she was aware of.

Councillor G Holland addressed the Committee to speak in support of the application. Members were advised that the sculptor was in full support of the plans to relocate the sculpture, believing that the move would raise the profile of St Cuthbert.

Councillor Holland advised that there was indeed occasions where vomit and urine were on the sculpture and this was wholly unacceptable and defamatory to the sculpture, the city and the artist. He believed that the relevance of the sculpture was lost in its current location. It had originally been placed off centre in Millennium Place as the area was intended to be used as a venue for performing arts, however that had never taken off.

Millennium Place was used predominantly at night-time and as such the sculpture was constantly at risk of being mistreated. Members were advised that the artist had been granted Freedom of the City and he was keen to see his piece moved to a more natural location.

Ms M Hawgood addressed the Committee to speak in support of the application. She spoke in her capacity as one of the 3 people who originally set up a steering group to raise money to pay for a metal cast of The Journey for the city of Durham. That had been back in 2003 and Members were advised that by 2005 the Steering Group had raised £140,000, half of which had been donated by the general public.

A site had then needed to be identified and Members were advised that the Trustees had not chosen Millennium Place, it was in fact the only site available to house the sculpture. Ms Hawgood advised that the artist had been concerned about how it would be treated in that location, as were the Trustees, however both were assured that Millennium Place was intended to become the cultural centre of the city.

Ms Hawgood advised that the plans for Millennium Place had not materialised and instead the area became a late night location for drinkers who took to desecrating the sculpture.

Members were advised that the assumption that the Cathedral had hijacked the sculpture was wrong. Ms Hawgood clarified that the Trustees asked for the site and also asked the Cathedral to apply for planning permission on their behalf. Indeed had that site been available originally, it would almost certainly have been used.

Ms Hawgood acknowledged that objectors felt that the Trustees should be attempting to improve Millennium Place rather than move The Journey. She queried why the objectors had never bothered to try to improve the area before now.

Members were advised that objectors also asserted that the current location was more accessible to the disabled. Ms Hawgood advised that she herself was disabled and required transport to both locations. She stated that it was very much easier to be dropped and collected at the Cathedral than at Millennium Place,

Ms Hawgood believed that it was the Trustees who owned the statue and therefore had the right to move it. Indeed Ms Hawgood had a letter from the County Council Chief Executive which supported that assertion.

Members were advised that there were 5 Trustees and when they voted on the move, only 1 Trustee had voted in objection to it.

The Principal Planning Officer responded to points raised as follows:-

- Accessibility – The volume of visitors to the Cathedral was proof enough that it was an accessible location;
- Public Funded Artwork – The funding of the sculpture was not a matter for consideration by the Committee;
- Nightlife – While the effects of the city nightlife was a factor in the proposals to move the sculpture, it was not a planning consideration;
- Archaeology of the Area – It was reiterated that the Archaeology Officers were satisfied with the proposals;
- Petitions – The report was a balanced report and reflected both the views of supporters and objectors equally;
- Stakeholders – The placing of the notice did meet statutory requirements which was the limit of what the Planning Authority could do. Furthermore it was clear that there had been far reaching interest in the application;
- Planning conditions – Conditions attached to any permission which was granted was considered an adequate way to deal with any matters such as paving and lighting;
- Journey Consortium – While it was not clear who comprised the Journey Consortium, that was not a matter for the Committee.

Councillor A Bell had been present on the site visit earlier that day which had visited the current location of the sculpture. He commented that it might have been useful for the visit to have taken in the proposed location also.

In referring to paragraph 25 of the report, Councillor Bell would have preferred the opinion to be that the sculpture would make a positive contribution to the setting of the Cathedral, rather than just a neutral contribution. He personally did not believe that the sculpture would add anything to the Cathedral and as such moved refusal of the application.

Councillor D Freeman acknowledged that all interested parties had a common interest in that they all cared about the city. He felt that the issue of loss needed to be considered, the loss to the city centre if the sculpture were to be moved to a more remote location. If it had been a publicly funded sculpture, it should therefore be in the public domain.

The Cathedral was private property as opposed to public open space and Councillor Freeman felt that the current location was most appropriate, highlighting that Millennium Place was developed using the Walkergate S106 monies.

Councillor Freeman acknowledged that Millennium Place could be improved environmentally, but reiterated that The Journey was central to that area. The current position of the sculpture allowed for contemplation and photography by visitors.

In referring to paragraph 34 of the report, Councillor Freeman highlighted that the application actually ignored the preferred location of officers, near the North door of the Cathedral. He believed removal of the sculpture from its current location would be contrary to saved Local Plan policies E6 and E22 as to move it would neither preserve nor enhance the character of the area. Councillor Freeman therefore seconded the motion to refuse the application.

Councillor P Conway acknowledged the wealth of views on both sides of the argument and believed it would have been prudent for a public consultation to have been undertaken. He believed that the views of the public were a material consideration and therefore relevant to the consideration of the application.

Councillor Conway stated that as the journey of Cuthbert's coffin was made there would have been no reverential treatment, it was everyday life, which was exactly what occurred in present day at Millennium Place. While Councillor Conway had much respect for the artist, the sculpture was public art in a public domain. Furthermore, it was entitled The Journey as opposed to The Arrival and so its current location was wholly appropriate. He concurred with Councillor Freeman and stated that there were justified grounds in saved Local Plan Policies E6, E21 and E22 to refuse the application. He did not believe the proposals would in any way enhance the world heritage site.

In response to a query from Councillor Kay, the Principal Planning Officer advised that the Cathedral had paid for the planning application.

Councillor Kay stated that the current location was very relevant, Cuthbert had been buried at the Cathedral which was the end of the journey therefore it was a tangible link to have the sculpture en-route to the Cathedral. He supported refusal of the application.

Councillor J Lethbridge advised that during the site visit earlier that day he had witnessed stains on the sculpture which were completely abhorrent. He believed that sculpture deserved respect and appreciation. He felt that the current location was too modern and relocating the sculpture would be an important enhancement to the approach to the Cathedral door. Furthermore it would be an important contribution to the Christian heritage of that area. Councillor Lethbridge supported the views of Councillor Holland and the other numerous supporters and moved that the application be approved.

Councillor J Clark could not agree with the proposals to relocate the sculpture, highlighting that it depicted a completely different historical period to that of the Cathedral. The sculpture was a conversation piece where it currently was and Councillor Clark highlighted that as well as the night time trade, there was also a significant daytime footfall through Millennium Place.

Councillor M Davinson noted that no permission was required for the Trustees to move the sculpture, permission was only required for its relocation. He felt that not enough emphasis was placed on the sculpture in Millennium Place and even the plaque set in the ground next to it, was easily overlooked. He believed that there would be more emphasis on the sculpture at the Cathedral and as such supported approval of the application.

Councillors Bell, Freeman and Conway clarified the reasons for refusal as follows:-

- That the application was contrary to saved Local Plan policy E6 – whether the area would be enhanced was a matter of judgement, however those Members believed it would not enhance the Cathedral;
- That the application was contrary to saved Local Plan policies E21 and E22 – the whole building period would be distorted if the sculpture were to be relocated and moving it would neither preserve nor enhance the character of the area.
- That the application be refused on the grounds that there were health and safety issues regarding accessibility and also because of the strength of public opinion and public views.

The Solicitor advised that public opinion was not a material planning consideration and should therefore not be cited as a reason for refusal.

The Chairman informed the Committee that a vote would be taken on Councillor A Bell's motion to refuse the application, as seconded by Councillor Freeman, on the basis that the application was contrary to saved Local Plan policies E6, E21 and E22.

Upon a vote being taken refusal of the application was defeated.

The Chairman informed the Committee that a further vote would be taken on Councillor J Lethbridge's motion to approve the application, as seconded by Councillor M Davinson.

Upon a vote being taken it was

Resolved: “That the application be approved subject to the conditions detailed within the report and the two additional conditions relating to archaeology”.

b DM/15/01689/RM – Land to the north of Willowtree Avenue, Gilesgate Moor

The Committee considered a report of the Planning Officer regarding a reserved matters application for appearance, landscaping, layout and scale for the erection of 38 no. dwellings and open space and 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.

Mr M Pears, local resident, addressed the Committee to speak in objection to the application. He stated that the developers clearly hoped to wear down the resolve of the Committee with the submission of repeated applications, each time making only minor changes to the proposals. Using that approach, Mr Pears stated that once again the applicant had re-submitted another unsympathetic application, creating the illusion that they had reduced the density of the scheme by simply converting what would have been 2 small semi-detached houses and effectively knocking through the partition wall to create one large 5 bedroomed house. Members were advised that the footprint of that unit had barely changed at all and it left the overall layout of the scheme completely unaltered.

Members were advised that the minor cosmetic changes had taken place in the far north west and north east corners of the field, the very locations which had no impact on the concerns of existing residents. Mr Pears stated that making such minor alterations at those locations did nothing to protect the privacy of local residents and nothing to lessen the severe detrimental impact which the development would have on the area. Furthermore Mr Pears believed that the application remained contrary to saved Local Plan Policies Q8 and H13.

Mr Pears advised that it was the southern boundary of the site which would directly affect existing residents as the southern block of 10 houses would deprive residents of privacy. Furthermore that block would be intrusive and overbearing.

Mr Pears concluded by stating that nothing had been done to alter the reasons behind the previous rejection of the scheme, he therefore urged the Committee to refuse the application.

Councillor B Howarth, Belmont Parish Council, addressed the Committee. She advised that the Parish Council was very much aware that numerous residents continued to have grave concerns about the latest application, concerns which covered aspects of layout, design and landscaping. As such the Committee was advised that the Parish Council wished for residents suggested amendments to the

layout to be fully considered by all parties, in an effort to resolve the continuing dissatisfaction with the plans.

It was highlighted that there was a stark contrast between the executive properties in the design and the one bedroom apartments, which had clearly been included to satisfy the affordable housing element. The Parish Council believed that there was no dwelling within the scheme which could be considered as a family starter home or accommodation for the disabled or elderly. This was further emphasised in the latest application with the omission of eight 3 bedroomed houses and the inclusion of three 5 bedroomed houses.

Despite those changes, Members were advised that the Parish Council considered the removal of all 2.5 storey houses and 2.5 storey apartments, along with the redesigning of the apartments to form two blocks, to be a welcome improvement.

However the Parish Council remained concerned about the unchanged position of the apartment blocks on the right hand side of the site entrance. Councillor Howarth reiterated that concerns in that regard were as follows:-

- Road side parking and waiting vehicles related to flat occupancy so near to the estate entrance;
- The inappropriateness of the apartment bin store near the entrance.

The Parish Council suggested that an alternative position for the apartments would be at the top right hand side of the development, facing on to the cul-de-sac, where properties 28 and 29 were presently sited. Properties 28 and 29 could then be repositioned to face onto the entrance road alongside property 38. The Parish Council was confident that there was sufficient space to accommodate such redesign.

Councillor Howarth also picked up on the landscape advice detailed within the Committee report. Certain aspects of suggested landscaping were not adequately undertaken on the Revised Landscape Plan.

It was further highlighted that reference was made to a public Right Of Way in the report, part of which was to be absorbed into the building design. The Parish Council wished to make clear that the Right Of Way beyond the houses to the A690 slip road had, up to present time, been a Belmont Parish Path and as such was maintained by the Parish Council. Councillor Howarth advised it would need to be maintained for it to remain passable and open to the public and so that responsibility would need to transfer to some other agency.

Councillor Howarth highlighted that there was a report on behalf of the Noise Action Team which pointed out inadequacies in the acoustic fencing, glazing and ventilation proposals.

As such, the Parish Council concluded that there were problems with the discharge of conditions and responsibility for future open space maintenance. However, Councillor Howarth advised that the main Parish Council objection was on the grounds that the layout and design were contrary to neighbourhood amenity and

character and appearance of the area. She therefore requested that the application be refused or referred back for further modification as it remained contrary to policy Q8 of the City of Durham Local Plan and Part 7 of the NPPF.

Mr D Brocklehurst, agent for the applicant, addressed the Committee. He highlighted that for the third time, the application was recommended for approval. Members were reminded that the site did have outline permission for 49 dwellings and Mr Brocklehurst advised that the applicant had not rushed the revision of the application, there had been a public consultation and significant talks throughout the whole process. The latest application reduced all dwellings to two storey and the separation distance was not less than 21m anywhere on the site.

Members were advised that the application now complied with all policies which were cited as reasons for refusal previously and Mr Brocklehurst highlighted that officers representing Landscaping, Urban Design, Affordability and Highways, all supported the application.

The applicant had now demonstrated that all topography concerns would be addressed and it was believed that the proposed dwellings did reflect the character of the surrounding properties.

The alternative scheme which had been suggested by officers was not a financially viable option as it would significantly reduce the number of units.

Mr Brocklehurst concluded that all issues had now been addressed and the current application was compliant with saved Local Plan Policies Q8 and H13 and parts 6 and 7 of the NPPF.

Councillor Conway had hoped that since the application was last before the Committee, there would have been meaningful discussion between all parties. He was unaware of the resident's proposals and so was not prepared to pass comment on them.

In response to queries from Councillor Conway, the Senior Planning Officer advised that the resident's proposals were not produced on a plan and were just raised during discussions. As such those alternative proposals could not be considered as part of the current application. The Senior Planning Officer further clarified that saved policy Q8 had now been satisfied as all separation distances had been met or exceeded.

Councillor Kay expressed sympathy for the local resident's. He too had hoped that discussions between all parties would have occurred since the last application had been presented before the Committee, he was disappointed that did not appear to be the case.

In response to a query from Councillor Kay the Senior Planning Officer clarified that there had been 2 previous applications from the applicant for the scheme, the first one of which was now in the appeal process with the Planning Inspectorate. If the application now before the Committee was approved, then the appeal would be withdrawn.

Councillor Conway acknowledged that policy Q8 had now been satisfied however he queried whether the application could possibly be deferred to allow for further discussions to ensue between the applicant and local residents.

The Solicitor advised that was not an appropriate reason to recommend deferral of the application, a deferral would only be appropriate if the Committee felt it did not have adequate information to make a decision.

Seconded by Councillor Kay, Councillor A Bell moved approval of the application.

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

Councillors A Bell and J Robinson left the meeting.

c DM/14/00338/OUT – Land at Station Road, Coxhoe

The Committee considered a report of the Senior Planning Officer regarding an outline application (all matters reserved except access) for up to 50 dwellings at land at Station Road, Coxhoe (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.

Mr D Cherrie addressed the Committee to speak in objection to the application on behalf of various local residents.

Members were advised that there was no longer term economic benefit to the development of the site, the only such benefit would be short term by way of employment during the construction of the development. The site was within the greenbelt and as such development on the land would be contrary to saved Local Plan policies H3 and H5. In terms of landscape, Mr Cherrie advised that valuable green space would be lost should the site be developed and would therefore have an adverse effect on the surrounding area.

Mr Cherrie believed that a suitable brownfield site should be identified for the proposed scheme. In terms of access to the site, Members were advised that additional traffic would be using an already crowded junction.

In relation to the ecology of the area, Mr Cherrie advised that crested newts, bats and owls were all present and mitigation to protect their habitats would be unachievable as it would require buy in from the gardens adjacent to the site.

Furthermore Members were advised that noise levels from the site would also be unacceptable and there was no means of mitigation, thus development of the site would have an adverse effect on the health of neighbouring residents.

Ms G Field, agent for the applicant, addressed the Committee. Members were advised that the site was an emerging allocation in the County Durham Plan and that at the current stage, the NPPF was the key material planning consideration.

The site was sustainable and there were no objections from statutory consultees. Any necessary mitigation measures would be addressed by way of condition when a full application was submitted at a later stage.

In relation to habitats on the site, Ms Field clarified that there was a small population of crested newts in the area which would be captured and relocated to a less isolated habitat. A detailed strategy would be agreed with Natural England and no third party land would be required.

Members were advised that the applicant had worked with the adjacent resident when preparing the plans and the applications accorded with the NPPF and the current Position Statement.

Ms Field advised that there would be 20% affordable housing on the site, the development was sustainable in terms of the surrounding local businesses and facilities and there would be an economical benefit in terms of New Homes Bonus and Council Tax receipts. Furthermore the scheme would help meet the housing needs of the county.

In response to a query from Councillor Conway, the Senior Planning Officer clarified that the application was contrary to saved policy H3 as the site was outside of the settlement boundary. Saved Policy H5 related to new homes in the countryside, however the Planning Authority believed the site to be acceptable in that regard in terms of sustainability and the applications compliance with the NPPF.

Councillor Lethbridge moved approval of the application, recalling that a similar application in the same area was approved by the Committee some months earlier.

In response to a query from Councillor M Davinson the Senior Planning Officer clarified the footprint of the site. Furthermore, Members were advised that should the application be approved, the applicant would be required to remove trees and shrubs from the verge next to the access, to allow for suitable road visibility. The Senior Planning Officer clarified that none of the trees in the vicinity were protected and relevant officers were comfortable with the proposals. Members were reminded that landscape considerations were not part of the current application.

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

Councillor Kay left the meeting.

d DM/15/01101/FPA – Land to the rear of 21 Market Place, Durham

The Committee considered a report of the Senior Planning Officer regarding the demolition of garage units and redevelopment to provide 55 bed student accommodation and associated communal and ancillary facilities at land to the rear of 21 Market Place, Durham (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.

Mr D Smith, agent for the applicant, addressed the Committee. Members were advised that the applicant was a local family run business which already had 60 student properties within the city and the business would manage the proposed scheme itself. All parcels of land within the application site were owned by the applicant and there was confidence that the scheme could be delivered in its entirety.

Members were advised that there were low levels of footfall in the area surrounding the application site, as such other uses for the site were not particularly viable. There was a lack of student accommodation in that area of the city and so bringing the scheme forward would create a healthy mix of uses in the area.

Mr Smith advised that the proposed design of the scheme was considered to be of a high quality by relevant officers, especially as the site was currently considered to be an eyesore brownfield site. Mr Smith was confident that the proposals would enhance the surrounding economy and regenerate a rundown part of the city.

In response to a query from Councillor M Davinson, the Senior Planning Officer clarified that a response had now been received from the Highways Authority. The Highways Officer clarified that although there were some concerns regarding the positioning of the cycle bays behind the bin store, there had been a late revision to the scheme. Disabled parking provision was now included and the cycle parking had been slightly moved, as such officers were satisfied with the proposals.

Councillor Lethbridge commented on the eclectic mix of building periods within that area of the city and he queried whether any historical research had been undertaken in relation to the application site.

The Senior Planning Officer advised that a Heritage Statement had been submitted, further to which Archaeology Officers had added conditions 9 and 10 to the application.

Councillor A Turner advised that despite supporting the scheme in principle, he was dismayed that bringing the scheme forward would mean the removal of several mature trees from the area.

Councillor J Clark queried whether the removal of the trees would have any impact on any additional water which would need to run off.

The Senior Planning Officer highlighted condition 6 as detailed within the report which stated that no development should take place until a scheme came forward regarding drainage of the site.

Councillor D Freeman made the point that there were not more students coming to Durham and so further student accommodation was not required. He highlighted that there had been two previous applications for the site, both of which had been refused because of the impact on the conservation area.

He stressed that any building erected in that area would have to be of a particular and correct height because of the sloping nature of the buildings in that location. He highlighted that a 5 storey building would not be in keeping with the character of the area as it would be highly visible and overbearing on Fowlers Yard.

Councillor Freeman further advised that local residents would be adversely affected by the introduction of students to the area. He believed that the application failed to satisfy saved Local Plan Policies Q8, E22 and H13.

The Senior Planning Officer advised that while there had been previous applications for the site which had been refused, they had been for smaller developments and not across the full width of the site. The current application would fill the whole area and the proposed height of the building would sit well within the surrounding buildings.

Councillor M Davinson believed the proposed scheme would complement the surrounding area, as such he moved that the application be approved. Councillor Lethbridge seconded the motion for approval and upon a vote being taken it was:

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

Councillor K Dearden left the meeting.

e DM/15/01090/OUT – Land to the south east of Brackenhill Avenue, Shotton Colliery

The Committee considered a report of the Senior Planning Officer regarding a residential development comprising 44 houses (outline) at land to the south east of Brackenhill Avenue, Shotton Colliery (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.

Seconded by Councillor Shaw, Councillor Laing moved approval of the application.

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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01616/LB
FULL APPLICATION DESCRIPTION:	Demolition of former school buildings.
NAME OF APPLICANT:	Mr T Mann
ADDRESS:	Former school premises, Seaside Lane, Easington Colliery
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, 03000 261958, barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The former school buildings are situated in the centre of Easington Colliery to the north of Seaside Lane, south of School Street and to the east of Vincent Street. Seaside Lane itself is the main road which runs through Easington Colliery and runs from the former colliery near the coast and runs approximately 1.3 miles to the west where it joins Easington Village. The area immediately surrounding the former school buildings is surrounded by residential properties, commercial, retail and community buildings.
2. The main school buildings comprise two tall Girls' and Boys' Blocks enclosing two playgrounds. Ancillary buildings comprise a Master's House, Manual Instruction Block, bicycle sheds, walls, gates, piers and railings. All the buildings were built in 1911-13 to the designs of J Morson of Durham. All the school buildings were listed Grade II in October 1997.

Proposal:

3. This application seeks Listed Building Consent for the demolition of the Grade II Listed former school buildings including all subsidiary buildings and boundary walls within the Listed Building site curtilage, but excluding the former Masters House which is now occupied by Age Concern. At present, there are no plans for the redevelopment of the site following demolition.
4. This application is being reported to committee at the request of local councillors.

PLANNING HISTORY

5. The former school buildings were originally in use until 1997 as a school in the ownership of Durham County Council. Following closure, they were listed by English Heritage as Grade II. They were subsequently bought from the County Council by a

local businessman who obtained planning permission in 2001 for change of use to office, day care centre, leisure/fitness suite, community use and retail outlet. The buildings were then sold on to the current owner, without this change of use being implemented.

6. The current owner sought planning permission and listed building consent in 2005/6 to demolish the buildings, clear the site and develop a housing scheme. Objections were received from English Heritage regarding the loss of the listed buildings. The then Easington District Council was minded to grant consent, against a background of substantial local support for the redevelopment. Because of the English Heritage objection, however, the Secretary of State opted to call in the applications for decision, and they were determined by way of a public inquiry. The decision of the Secretary of State was to refuse consent for the demolition, on the basis that there was not enough evidence of other uses or developments having been explored to retain the listed buildings in beneficial use.

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’.
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.

The following elements of the NPPF are considered relevant to this proposal;

10. *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 NPPF contains specific tests at para 133 stating 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, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

LOCAL PLAN POLICY:

District of Easington Local Plan

11. *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.
12. *Policy 24* – Any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved. Proposals for the alteration or extension of a listed building should incorporate the retention of architectural or historic features which are important to the character of the building. The complete or substantial demolition of a listed building will only be approved in exceptional circumstances.

RELEVANT EMERGING POLICY:

The County Durham Plan

13. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing 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). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
14. *Policy 44 (Historic Environment)* – Development which would lead to substantial harm to, or total loss of significance of, a designated heritage asset will not be permitted unless it can be demonstrated that the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits.

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:

15. Historic England recommend that the application is refused on the basis that no clear and convincing justification to demolish two grade II listed buildings has been demonstrated in accordance with the tests laid out in the NPPF. In the event that the LPA are minded to grant consent the application would need to be referred to the Secretary of State.
16. The Victorian Society strongly objects to the application, which proposes the total and unjustified loss of two nationally important historic buildings.
17. Easington Colliery Parish Council supports the application stating that there is no viable conversion option and that the buildings have a detrimental impact on residential amenity.

INTERNAL CONSULTEE RESPONSES:

18. Economic Development support the proposals stating that significant efforts to find a solution for the reuse of the buildings, since they were vacated, have all failed and it is evident that there is a significant viability gap given that the buildings being considered within this application are within one of the most significantly deprived areas in the Country in terms of its economic performance.
19. Environmental Health have no objections subject to conditions safeguarding residential amenity during demolition.
20. Ecology officers do not object to the proposals subject to the mitigation in the submitted bat survey being conditioned.
21. Design and Conservation Officers advise that the application fails to adequately justify the demolition as required in national policy and do not support the proposal.

PUBLIC RESPONSES:

22. This application has been advertised by way of a press notice, site notices and letters to individual residents.
23. 15 letters of support have been received from members of the public who are concerned that the buildings are an eyesore and should be delisted and demolished in order to support regeneration. There is also concern about vermin and that the buildings should be replaced with something that would benefit the community such as a park. We have also received a petition containing 1521 signatures in support of the demolition of the buildings.
24. In addition to the above both the Local County Councillors and the MP have written in support of the application. Councillor Boyes states that the buildings have been in a decrepit state for nearly 20 years whilst the MP for Easington states that the buildings are in a derelict state, are a target for vandalism and arson and are holding back regeneration of the area.

APPLICANTS STATEMENT:

25. BENEFITS OF DEMOLITION

Easington School lies at the heart of the Colliery which desperately needs regeneration. The demolition of Easington School will provide the catalyst for regeneration. The buildings have not been used for many years and their listed status is the reason for the lack of interest in the site redevelopment. A recent

petition involving the residents of Easington has reinforced the opinion that the building are a blight on the area and landscape the residents are looking forward to redevelopment.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

26. Section 16 (2) of the Planning (Listed Buildings and Conservation) Areas Act 1990 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having regard to this and 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 issue in this instance relate to the justification for demolition and consultation responses from the public.

Planning policy

27. The heritage assets are Grade II listed and are described in the applicant's heritage statement as the most important group of historic buildings associated with Easington Colliery, creating an architecturally positive impact on the local landscape and comprising the architecturally finest set of buildings in the area. In accordance with Historic England Conservation Principles, the Council's Design and Conservation officers considered that they have evidential, historic, aesthetic and communal value. However, it is also acknowledged that the ongoing dilapidation through redundancy has resulted in the general local concerns that the buildings are an eyesore.
28. In legislation and planning policy the focus is on conserving heritage assets. Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on local planning authorities to pay special regard to the desirability of preserving a listed building, thereby providing a strong presumption against demolition. This duty is reflected within the NPPF. The conservation of heritage assets such as listed buildings is one of the three elements required to make development sustainable (paragraph 7) and one of the core land-use principles (paragraph 17), ensuring that they 'can be enjoyed for their contribution to the quality of life of this and future generations'.
29. As set out in the NPPF, clear and convincing justification is required to support an application for the demolition of a listed building: essentially to demonstrate conclusively that there is no realistic potential for its conservation.
30. NPPF Paragraph 130 states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
31. NPPF 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. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

32. It is considered that the information provided in support of the application fails to provide clear and convincing justification or demonstrate either exceptional circumstance.
33. NPPF Para 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, or all of the following apply:
 - The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
34. The information provided within the submitted application does not identify any substantial public benefit; does not provide sufficient marketing evidence does not demonstrate what sources of grant funding have been explored or provide details of any redevelopment proposals and on this basis it is considered that the application remains flawed.
35. NPPF Paragraph 136 states that Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. As stated above there are no redevelopment proposals identified in the application or any timescale for implementation.
36. On the basis of the above it is considered that the proposals do not accord with the National Planning Policy Framework or saved policy 24 of the District of Easington Local Plan.

Justification for demolition and responses from the public

37. The applicant states that the buildings have been vacant for a number of years and its unoccupied status, despite marketing campaigns, is having a negative impact on the buildings leading to the loss of architectural, historic and aesthetic value which will further deteriorate over time. It is stated that the lack of interest in the buildings illustrates the inappropriateness of the buildings for commercial or residential uses by a developer, highlighted by the socio-economic deprivation of the area which has led to population decline and subsequently, areas of low housing demand. The applicant considers that the demolition and replacement with new buildings for which there is demand is therefore most appropriate (although as stated above, details of redevelopment proposals have not been received). In summary, the applicant concludes that the demolition of the site to facilitate a viable use would enhance the Easington Colliery area.

38. As previously stated there have been 15 letters of support for the demolition of the buildings along with support from local County Councillors, the Parish Council and the MP for Easington, there was also significant local support for the previous application for demolition which was refused by the Secretary of State. It is acknowledged that at present the buildings are in a poor state of repair and that there is real concern from the local community. However, for the policy reasons set out above and due to the lack of evidence and justification submitted with the application, there is no alternative other than for officers to recommend refusal.

CONCLUSION

39. The demolition of all parts of the school apart from the 'Master's House' would result in an irreplaceable loss of a national important Grade II Listed Building. The conservation of heritage assets is clearly stated as a priority in the planning process in both the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), in which it is one of the core dimensions of sustainable development. Accordingly, great weight should be given to the conservation of listed buildings and demolition seen as an exceptional occurrence that requires a clear and convincing justification that the repair and re-use of the buildings is not realistically possible. This application fails to demonstrate such a clear and convincing justification.
40. In 2007 a previous application for demolition was refused by the Secretary of State following a public inquiry because the clear and convincing justification for demolition had not been made and an acceptable scheme of redevelopment was not in place. The same remains true of this application and in line with the previous refusal by the Secretary of State, it is recommended that the application is also refused.
41. It should be noted that the application will need to be referred to the Secretary of State in order for him to consider intervention should members resolve to approve the proposals.

RECOMMENDATION

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

1. Having regard to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of preserving the building, the application fails to provide adequate evidence including any future development proposals which would result in the substantial public benefit required to justify the total loss of the designated heritage asset. contrary to Paragraph 132, 133 and 136 of the National Planning Policy Framework and saved policy 24 of the District of Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

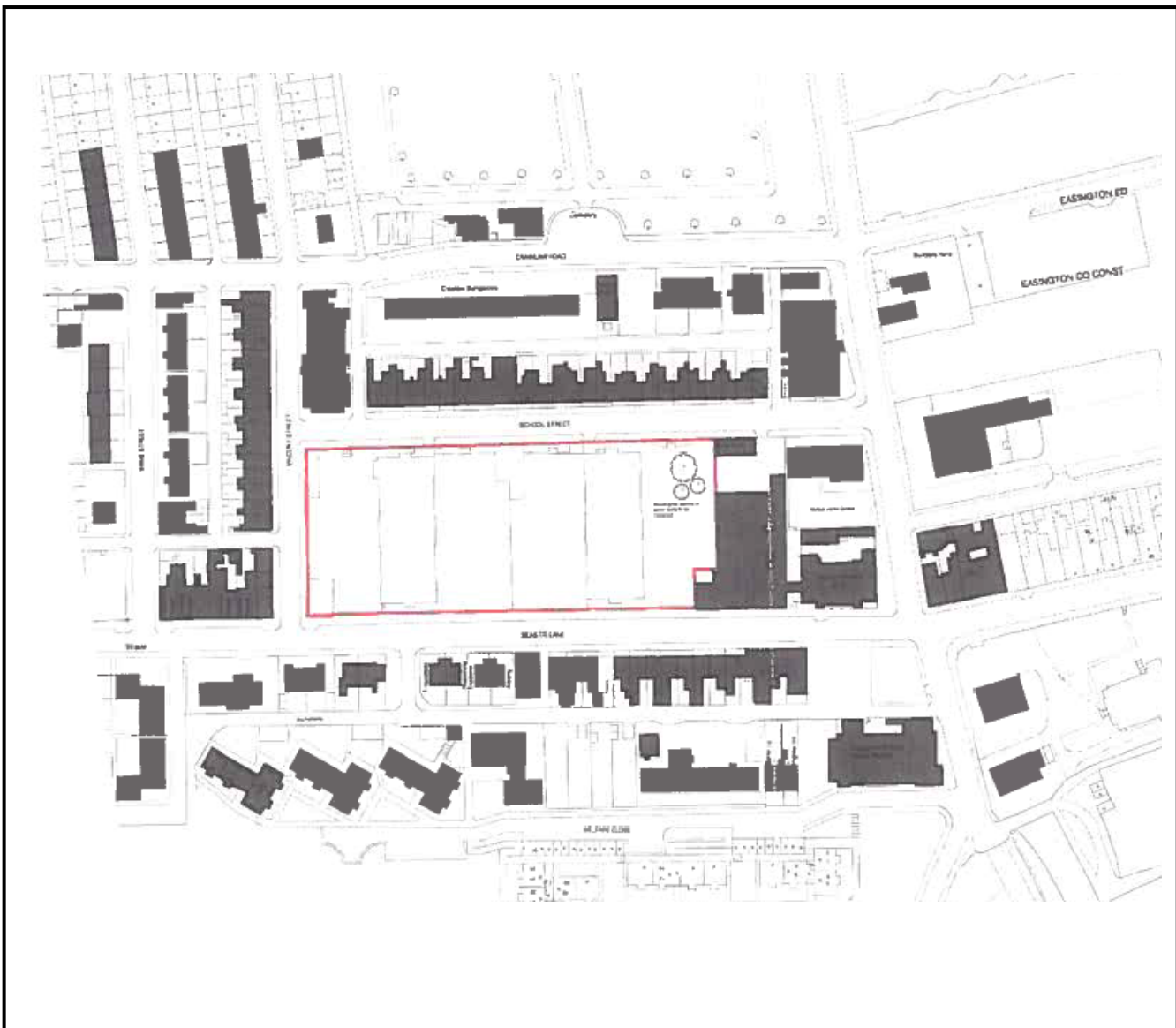
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

District of Easington Local Plan

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



Planning Services

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Proposed demolition of former school buildings (Listed Building Consent)

Comments

Date September 2015

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01747/FPA
FULL APPLICATION DESCRIPTION:	Dwellinghouse
NAME OF APPLICANT:	Mr M Lawson
ADDRESS:	Land Rear of 2 Seaside Lane South, Easington, Peterlee, SR8 3PN
ELECTORAL DIVISION:	Easington
	Laura Eden
CASE OFFICER:	laura.eden@durham.gov.uk 03000 263980

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is greenfield land located within an established residential area within the settlement limits for Easington Colliery. Immediately adjacent to the site are garden plots presumably associated with properties located within Seaside Lane South. To the south and east are newly constructed modern residential developments, to the west is a former community centre that has recently been converted to a residential dwelling and to the north lies Seaside Lane South which mainly comprises of terraced residential properties however there are some interspersed commercial ventures.

The Proposal

2. The application seeks full planning permission for the erection of a three bedroomed, 2.5 storey dwelling measuring a maximum of 5.85m in width by 11.25 in length. The pitched roof of the dwelling would measure 9m to ridge height and 5m to eaves height. It is proposed that the property would be built from red facing brickwork with grey mortar, a tiled roof and white UPVC doubled glazed units.
3. The property would front out onto Welfare Close, benefiting from a landscaped front garden. To the rear it is proposed there would be some private amenity space and provision for three off-street car parking spaces with access gained off the rear lane to Seaside Lane South.
4. The application is brought before members at the request of Councillor Boyes on grounds of highways access and parking issues.

PLANNING HISTORY

5. Nothing relevant to the actual development site although there have been recent approvals for larger housing developments to the south and east of the site.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

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. 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
9. The following elements of the NPPF are considered relevant to this proposal
10. 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
11. 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. 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. 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.
14. 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, minimising impacts on biodiversity and providing net gains where possible; 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

Easington Local Plan

15. 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.
16. 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.
17. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
18. Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

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. Northumbrian Water Limited – No comment to make at this stage

INTERNAL CONSULTEE RESPONSES:

27. Contaminated Land - No requirement for contaminated land condition
28. Highways – No objection
29. Environmental Health – Recommend condition in relation to hours of construction
30. Trees – No objection

PUBLIC RESPONSES:

31. The application has been publicised by way of a site notice in addition to individual notification letters to neighbouring residents. A letter of objection has been received from the Parish Council, a 25 signature petition and five individual letters of objection have been received raising concerns relating to:

- The principle of development
- Highways concerns
- Loss of amenity space
- Impact on the adjacent gardens in terms of loss of light
- Impact on wildlife
- Covenants on the land potentially restricting the erection of buildings

APPLICANTS STATEMENT:

The applicant wanted to develop the existing site, which was formerly used as an allotment garden but had become disused and had laid dormant over several years to be a worthy family home. A number of these allotments now have been built upon to form new residences. It is the clients intention to build a new family home on this parcel of land to breathe new life into the area, the house will be a decent size 3 Bedroom family home with a private garden to the rear and 3 car parking spaces, to alleviate any 'on street' parking. Every care was taken into consideration when designing the property to ensure that it wasn't just speculatively built to sell on. A pre-submission application was made and the Planning officers comments were implemented into the design now presented. The design brief was particularly family oriented with the 'living' areas overseeing the garden, and also:

- To create a modern high specification, low cost energy efficient house matching and reflective of the vernacular architecture of the area.
- The new house is in keeping with work previously carried out in the surrounding area.
- To create an 'off street' parking area.
- To create and utilise a rear garden area for family use.

The design has been carefully and thoroughly considered to compliment the clients wish for this family house and to make the best use of a parcel of vacant land.

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 online

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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. However the NPPF provides that where relevant policies in a development plan are absent, silent or out-of-date, a presumption in favour of sustainable development should apply.
33. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, loss of open space and highway matters

Principle of Development

34. The application site is located within the settlement limits for Easington Colliery, as defined by the Easington Local Plan Proposals Map. Saved Policy 67 of the Local Plan sets out that small scale residential developments will be acceptable within these settlement limits provided the site is classed as previously developed land.
35. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of Policy 67 in terms of directing development to settlements best able to support it is consistent with the NPPF and the promotion of sustainable patterns of development. While the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, and the development of greenfield sites, including garden curtilages, is not precluded.
36. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites while being in close proximity to public transport networks. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car.
37. Overall it is considered that the proposed development is located in a sustainable location. Although part of the dwelling would represent development on a Greenfield Site, in conflict with saved policy 67, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national policies. The relevant local plan policy is considered to be out of date given its inconsistency with more up to date policy contained within the NPPF which applies a presumption in favour of sustainable development. On this basis the principle of development is acceptable.

Residential Amenity

38. In terms of neighbouring amenity policy 35 of the local plan aims to ensure that developments have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 18 of the emerging plan is concerned with residential amenity however it only carries limited weight.
39. Distancing standards outlined in the local plan recommend that a minimum of 21 metres is achieved between opposing elevations containing habitable windows. These distances are achieved between the proposed dwelling and opposing properties to both the north and south of the site. As a result it is not considered that the proposal would give rise to any significant adverse impact on residential amenity in terms of overlooking.
40. A number of objections have been received in relation to the current proposal mainly concerned with how the development would impact on the adjacent garden/allotment plots particularly the one that lies to the west of the site which benefits from polytunnels, greenhouses etc. Whilst it is acknowledged that there will be some overshadowing to the gardens as a result of the proposed dwelling this would be limited to certain times of the day. The dwelling is regarded by objectors as being excessive in terms of its footprint or scale being 11.25 metres long compared to a site length of 29 metres. Whilst the concerns of residents are appreciated and duly

noted it is not considered that overshadowing would occur to an extent that would justify refusal of the current application.

Visual Amenity and Loss of Open Space

41. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy 35 of the Easington Local Plan requires the design and layout of developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials.
42. The surrounding area is predominantly residential in nature comprised of a variety of different housing types that have various forms, styles and massing with no predominant theme to replicate. The private allotment/garden area is not considered to have any significant function or visual importance with regard to the character of the area given it is fully enclosed by a 1.8m high fence and currently lies overgrown and untidy. In this sense it is not considered to represent 'open' space in the context of Policy 92 of the Easington Local Plan.
43. The property design is largely reflective of the more modern properties that have been built in the surrounding area albeit on this occasion accommodation is proposed in the roof space. This has made the overall height of the build somewhat higher than neighbouring properties albeit not significantly. The application forms state that materials would be used to replicate those of the six dwellings constructed to the east however this would be secured by means of a condition. Overall the development is considered to result in a visual improvement to the current land conditions.

Highways

44. The principle of residential development served by the adopted rear lane_ to Seaside Lane South and Welfare Close has been accepted in relation to six dwellings that were constructed to the east of the site following approval of application 02/0475 and more recently the approval of 24 houses and flats to the south of the site granted consent as part of 5/PL/2009/0029. The dwelling proposed as part of this application would seek to gain vehicular access off the rear lane serving Seaside Lane South. The property would benefit from off-street parking capable of accommodating three motor vehicles which would be deemed to comply with Durham County Council's Residential Car Parking Standards. On this basis the proposals would be deemed to be acceptable from a highways point of view therefore no objection has been raised by colleagues in the highways section.
45. It is noted that concerns have been raised by local residents about highway safety concerns with regards to the congested nature of the rear lane. Although their concerns are appreciated and duly noted officers do not consider that there is a highway safety issue in relation to the application.

Other Issues

46. The site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
47. The Contaminated Land Officer has assessed the available information and historical maps and has confirmed there is no requirement for a land contamination condition.
48. The tree officer has assessed the proposal. He notes that the land is overgrown with common weeds. There are no substantial tree species on or adjacent to the site only

self-seeded small tree species or associated shrubs such as common elder. On this basis individual tree preservation orders would not be warranted and therefore the tree officer offers no objection to the scheme. An informative is proposed in relation to bats and birds given that vegetation is proposed to be removed.

49. An informative is proposed to advise the Applicant of their responsibility in respect of noise, dust and construction hours. Building work is a temporary inconvenience and would not be a reason to withhold planning consent.
50. Issues surrounding covenants are a legal matter outside the remit of the planning system. It would be the developer's responsibility to ensure they had all the necessary consents in place prior to commencing building work.

CONCLUSION

51. 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. Although there is some conflict with policy 67 of the local plan it would be considered to be a minor departure that is justified by the presumption in favour of sustainable developed adopted by the NPPF. Whilst objectors' concerns are appreciated and duly noted it is not considered they would amount to reasons to refuse planning consent.

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, drg. no. EX/001, drg. no. PPL/001 and drg. no. PPL/002 all received 04/06/2015, contaminated land risk screening assessment received 12/06/2015, drg. no BR/009 received 24/06/2015.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies 1, 35 and 67 of the Easington 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 1, 35 and 67 of the Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.

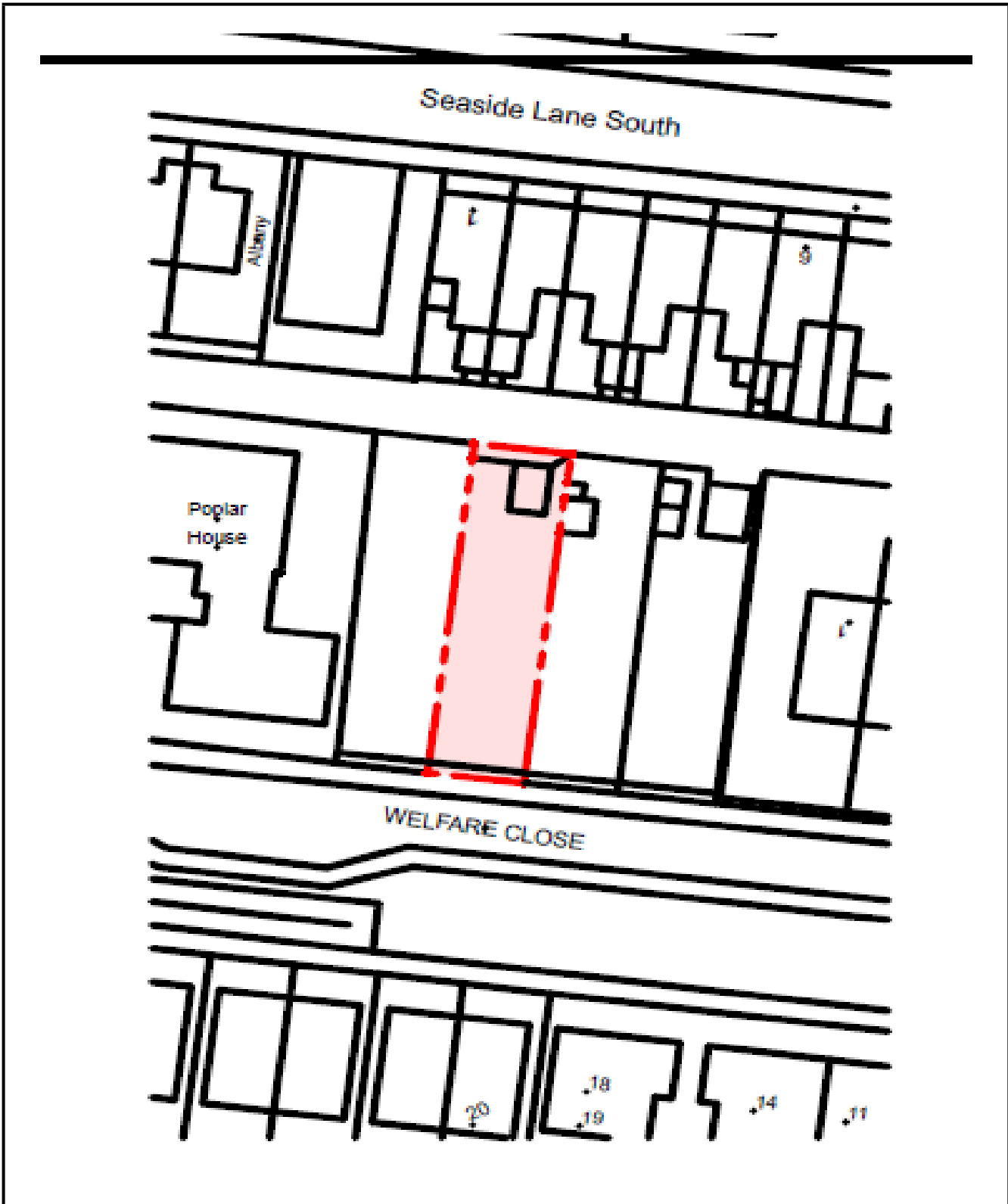
4. Prior to the commencement of the development, details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling.
Reason: In the interests of the visual amenity of the area and to comply with saved Policies 1 and 35 of the Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas 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 saved policies 1 and 35 of the District of Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.

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
- Contaminated Land Screening Assessment
- National Planning Policy Framework
- Easington Local Plan 2001
- Emerging County Durham Plan
- Consultation Responses



Planning Services

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Dwellinghouse
Land Rear of 2 Seaside Lane South,
Easington, Peterlee, SR8 3PN

Comments

Date. 8 September 2015

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01730/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing building and erection of Learning Resource Centre.
NAME OF APPLICANT:	St. John's College
ADDRESS:	17 South Bailey, Durham, DH1 3EE
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing house at No. 17 South Bailey in Durham City. Immediately to the south and east of the site are college buildings associated with St. John's College. To the north of the site is the Chapel of St. Mary the Less and the grounds of the Chorister School are to the west. All the buildings (including walls) surrounding the site are listed buildings. The site is located within the Durham City Conservation Area and the World Heritage Site. Durham Cathedral is also located approximately 140 metres away to the north.

The Proposal

2. Planning permission is sought for the demolition of the existing house and the construction of a learning resource centre associated with St. John's College. A disabled parking bay is proposed to the front of the site as well as some cycling parking provision.
3. The proposed learning resource centre will provide library and study facilities together with teaching facilities. The usage will be by a much wider age profile than most university libraries and the building will also service wider cultural and community uses, and out of term conferences. The adjacent building to the south (Etchell's House, No. 16 South Bailey) houses academic staff teaching. There is an operational connection between Etchell's House and the learning resource centre.
4. The proposed building would fill the majority of the site with a small external terrace area proposed. The building would have a two storey element (plus basement) to the front elevation with a three storey (plus basement) to the rear of the site. The front elevation would measure 8.5 metres to the parapet level with the overall height to the ridge being 10.7 metres. From the ground level of No. 16 South Bailey, the building would measure 11.4 metres to parapet height and 13.7 metres to overall ridge

height. The existing Lime tree on the west corner of the site would be retained as part of the scheme. The principal materials for the proposed building would be ashlar stonework, with very narrow joints, for the external walls and zinc for the pitched roofs. The projecting bays on the north and south elevations would be of timber. Frameless structural glazing is proposed to the ground floor of the east elevation. The external finish of all other windows, together with that of the doors, gutters and downpipes, would be powder-coated aluminium (dark grey in colour).

5. The proposed development does not fall within Schedule 1 or Schedule 2 Development of the Environmental Impact Assessment (EIA regulations) and therefore the proposal would not require an Environmental Impact Assessment.
6. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

7. Two separate listed building applications have been submitted for the demolition of the boundary walls to the site. One application has been approved and the second is currently pending a decision.

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 dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
10. The following elements are considered relevant to this proposal;
11. *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.
12. *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.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 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.

15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure 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.
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. 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. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

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 E3 (World Heritage Site)* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
19. *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.
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 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 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 E23 (Listed Buildings)* seeks to safeguard listed buildings and their settings.
24. *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.
25. *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.
26. *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.
27. *Policy T20 (Cycle facilities)* seeks to encourage appropriately located, secure parking provision for cyclists
28. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
29. *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.
30. *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.
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 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.
33. *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.

RELEVANT EMERGING POLICY

The County Durham Plan

34. 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

EXTERNAL RESPONSES:

35. *County Highways Authority* has not objected in principle however it has been indicated that the cycle provision is not sufficient and more consideration should be given to the disabled parking bay.
36. *Historic England* has raised no objections and supports the proposed scheme indicating that the proposal accords with policies within the NPPF which seeks to foster innovative new design whilst respecting local character and historic context.
37. *Environment Agency* has not raised any objections.
38. *Northumbrian Water* has not raised any objections.
39. *Police Architectural Liaison* has provided advice in terms of safety and security of the site.
40. *The Coal Authority* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

41. *Public Rights of Way* has confirmed that no public rights of way will be affected by the development.
42. *Archaeology* has not raised any objections
43. *Sustainability Officer* has not raised any objections to the scheme.
44. *Environmental Management (Contamination)* has not raised any objections.
45. *Environmental Management (Noise/light)* has not raised any objections.
46. *Ecologist* has not raised any objections to the proposed development.
47. *Design and Conservation* has not raised any objections to the proposed scheme indicating that the proposed development will enhance the significance of the heritage assets by making a positive contribution and therefore will accord with planning policy as set out in the NPPF and the saved policies of the local plan.
48. *Landscape Team* has indicated that the proposals would have some significant adverse landscape and visual effects and the proposals would conflict with policies E22 and E14 of the local plan.
49. *Tree Officer* has not raised any objections to the proposed scheme.
50. *Drainage Officer* has not raised any objections to the proposed scheme.

PUBLIC RESPONSES:

51. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development.
52. The World Heritage Site Co-ordinator has commented on the site concluding that the impact on the South Bailey is of greatest concern. The north elevation facing the college and to a lesser extent the view to the south elevation across the Cathedral garden have an impact through the size, regularity and nature of detailing. On balance the proposal is not considered an enhancement but is a reflection of catering functionally for the College's needs. It is considered that the South Bailey frontage needs substantial improvement in its relationship to the special streetscape if it is to be assimilated and to complement the buildings it is near to. In its current form it causes harm to the WHS and its setting.
53. The City of Durham Trust have not raised any objections to the proposed scheme however has raised some point of clarification with regards to the building's relationship with No. 16 South Bailey, first floor fenestration, roof design and ground floor window signage.
54. Durham University have indicated that they support the proposed development.

APPLICANTS STATEMENT:

55. The proposed Learning Resource Centre is intended to meet the need for a 'fit for purpose' teaching, library and study space for St. John's College. The recruitment/retention of the best students and staff will be enabled by the provision of appropriate learning facilities. The site has been chosen as there is no suitable location for a new building of this size within the College's grounds on the east side of South Bailey. The College is very aware of the important historic context in which

it is physically located and wishes to develop its buildings in ways that respect this context. The site for the Learning Resource Centre is within the World Heritage Site, which has been a centre of scholarly activity and Christian witness for centuries. St John's College continues that tradition, being a Christian College within a world class university. The design of the proposed building has evolved as a result of detailed discussions with many stakeholders, including the Cathedral, English Heritage and the officers of Durham County Council.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Impact upon the character, appearance and setting of heritage assets and surrounding area

57. The proposed development involves the demolition of an existing building and the construction of a new Library, educational resource building set in the historic streetscape of the South Bailey, surrounded by listed buildings (Grade I, II and II*), set within the heart of Durham City Centre Conservation Area and within Durham World Heritage Site. This application is the result of detailed pre-application discussions with the architects, Planning Officers and Heritage & Design Officers from the Council, ICOMOS (International Council on Monuments & Sites UK) and Historic England, and the scheme has evolved over a period of approximately 3 years.

58. North and South Bailey form an integral part of the defended medieval complex on the Peninsula plateau, and consist of an area between the inner Cathedral Priory precinct and the outer Castle defensive wall. The Baileys' streets are important in providing the setting of the Cathedral and are key routes linking Palace Green to the Market Place. The importance of the Baileys is reinforced not only by the high percentage of their buildings being individually listed, but also by the entirety of the historic townscape's inclusion within the boundary of the World Heritage Site. The street contributes to the physical, visual, and historic setting of the World Heritage Site. The application site falls within the historic heart of Durham (City Centre) Conservation Area and is adjacent to a number of listed buildings together with buildings of local interest.

59. The primary consideration for this application is the impact the proposed development would have on the various heritage assets which surround the site. The Council's Design and Conservation Team have indicated that the existing building is not considered to make any positive contribution to the area and the loss of this building is accepted. As previously stated in this report, the design of the proposed development has evolved over a number of years with contributions from various interested parties. The Council's Design and Conservation Team have commented in detail on the proposed development and has concluded by stating the following:

60. It is considered that the design, scale, massing and materials etc. of the proposed development will enhance the significance of the heritage assets by making a positive contribution and therefore will accord with planning policy in the NPPF and the saved policies of the Durham City Local Plan. The applicant has generally responded to design advice relating particularly to the quantum of development that

the site can comfortably take and adopting a more humble, simpler aesthetic, whilst still retaining a sense of scale and finish that expresses its role in the college and South Bailey. The redistribution of massing and revised elevation treatments work well as does the strong building line to the principal elevation instating a sense of enclosure whilst respecting the existing disposition of the church of St. Mary-the-Less. The proposed detailing, overall materiality and quality of finish will ultimately determine the success of the building in the round and need to be carefully considered. No objection is raised on heritage or design grounds.

61. Historic England have also fully considered the proposed development in its context with the surrounding heritage assets and have made the following comments:

62. *South Bailey is a rich and fascinating historic street with a deep connection to Durham Cathedral and Castle, hence its placement within the boundaries of the World Heritage Site (WHS) and Durham City Conservation Area. In realising the rare opportunity to redevelop a section of the street, the application presents a forceful modern design for a new education centre. The result is untypical yet refreshing for its architectural honesty and whilst it may seem initially challenging the design is of a quality that will add to the architectural legacy of the World Heritage Site and conservation area. Consequently the proposal accords with policies within the National Planning Policy Framework (NPPF) which seek to foster innovative new design whilst respecting local character and historic context.*

63. The proposed development certainly projects a contemporary modern design. Design considerations and the impacts of new contemporary development on heritage assets can be subjective and a matter of individual taste. The design of the proposed development has been supported by key heritage consultees including the Council's Design and Conservation Team and Historic England. The City of Durham Trust have also commented providing their support in principle to the development. It is noted however that the World Heritage Site Co-ordinator has indicated that the proposal will fail to preserve the heritage assets or their setting.

64. The Council's Design and Conservation Team are confident that the proposed development accords with local plan policies and national policy with respect to impacts on heritage assets. Given the level of support from Historic England it is considered that the proposed development can be considered to preserve the character, appearance and setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site.

65. Details within the design and access statement do indicate that the building is to be constructed from ashlar stonework for the external walls and zinc for the pitched roofs. Projecting timber bays, with glazing and powder coated aluminium guttering is also proposed. The Design and Conservation Team have not raised any objections to these materials, however given the sensitivity of the area, it is considered that specific details are required in terms of the materials, windows, glazing, curtain walling, external joinery details, rainwater goods, eaves, verge and parapet details, and details of soffit to overhang. It is also considered that external and night time lighting strategy should be provided to ensure the lighting of the building does not adversely impact on the surrounding heritage assets. All these issues can be requested through planning conditions, which are subsequently recommended.

66. There is a mature Lime tree located on the south west corner of the site which is proposed to be retained. This tree is considered important within the general landscape of the area and the retention of the tree is welcomed. The proposed building is to be located fairly close to the tree and detailed discussions have taken place with the Council's Tree Officer to ensure the tree would not be compromised

as a result of the proposed build. The Tree Officer is comfortable with the construction methods proposed which will ensure the tree would not be adversely compromised.

67. It is noted that the Council's Landscape Officer has raised some concerns indicating that the proposal would have some adverse landscape and visual effects and would therefore not be in accordance with policies E22 and E14 of the local plan. The Landscape Officer does however acknowledge that views of the proposed development are unlikely to be available beyond the peninsula, given that the building will be obscured behind the roof line of existing buildings. Policy E22 of the local plan refers to conservation areas and the Design and Conservation Team have determined in their comments that the proposed development would be in accordance with policy E22. Policy E14 of the local plan aims to retain trees on development sites. It has been stated in the paragraph above, that the mature Lime tree is to be retained on site. There are no other mature trees which would be affected by the development. It is therefore considered that the proposal would not contradict the aims of policy E14 of the local plan.

Impact on residential amenity

68. The buildings surrounding the application site are mainly in use by St. Johns College. There are no residential properties within close distance to the site. It is not considered that the proposed development would create any adverse impacts on residential amenity in terms of loss of privacy or overbearing or overshadowing impacts. Environmental Management Officers have been consulted and they have confirmed that there will be no adverse impacts created in terms of noise, light or contamination issues.

69. It is considered that the proposed development would not have an adverse impact on residential amenity and would not compromise the existing uses which surround the site. The proposal is therefore considered to accord with policy H13 of the Local Plan.

Highway safety

70. The proposed development is located within the centre of the City and would be classed as a sustainable location. A disabled parking bay is proposed to the front of the site as well as some cycling parking provision. The Council's Highways Officer has not raised any objections to the proposed scheme however some concerns are raised. These concerns relate to the specific design of the disabled parking bay and that the proposed cycling provision is not sufficient.

71. Information has been submitted with the application that states that the proposed cycle provision would be in addition to the existing 50 cycle provision which St. Johns College provides at 28 North Bailey and the Garth. The Highways Officer has requested that the cycle parking provision is in line with the requirements of the County Council Parking and Accessibility Guidelines. These guidelines state that for a library building there should be one enclosed cycle space per five members of staff and minimum of four spaces per 100sqm of public space. It is noted that the proposed development is not a public library, as it is a resource centre which is linked with St. Johns College. It is considered that visitors to the proposed learning resource centre would generally be students or teachers of St. Johns College. It is accepted that the parking and accessibility guidelines requires a greater number of cycle provision for a development of this type, however given the resource centre would not be a public building and there would be existing cycle provision available in the area linked with St. Johns College, it is not considered the lack of cycle provision is sufficient to warrant refusal of this application.

72. Given the sensitive location of the application site, and the impact the design of the building can have on important heritage assets, the external appearance of the building, in particular the entrance elevation is vitally important. A disabled parking bay is proposed outside the entrance of the building however no usual markings are shown on the plans indicating that this is to be a disabled bay. The Design and Conservation Team have indicated that this disabled bay should be kept clear of the usual markings so not to impact upon the appearance of the proposed development and heritage assets within the area. The Design and Conservation Team have conceded that a simple sign can be situated to make visitors aware this is a disabled bay. A condition is therefore recommended for details of a sign to be submitted to and approved by the local planning authority.
73. It is accepted that the Highways Officer has concerns over cycle parking provision and the disabled bay. However given the nature of the proposed development in relation to the sensitive area in which it is to be located, it is not considered that these issues are sufficient to warrant refusal in this instance. It is considered that the proposed development would not have an adverse impact on highway safety and the proposal would accord with policies T1, T10, and T21 of the local plan, and would not contradict the aims of policy T20 of the local plan.

Other issues

74. 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.
75. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and where this is likely to be an interference with an EPS must 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.
76. A Bat Survey of the site has been submitted with the application. This survey concludes that the site has low potential to support any hibernation or bat roosting. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. 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.
77. The County Archaeologist has not raised any concerns with regards to the proposed development. A condition is recommended for a programme of archaeological work to be undertaken prior to works commencing. A condition is recommended accordingly.
78. Northumbrian Water, the Council's Drainage Officer and the Environment Agency have not raised any objections to the scheme. It is considered that the proposed development would not have an adverse impact in terms of drainage and flood risk. No objections have been made by the Council's Contamination Officer and it is not

considered that the development would raise any concerns in terms of contamination.

CONCLUSION

79. The Council's Design and Conservation Team are confident that the proposed development accords with local plan policies and national policy with respect to impacts on heritage assets. Given the level of support from Historic England it is considered that the proposed development can be considered to preserve the character, appearance and setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site. Overall the proposal is considered to be in accordance with policies E3, E6, E23 and E22 of the local plan, guidance within the NPPF and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
80. The proposed development would not have an adverse impact on residential amenity and would not compromise the existing uses which surround the site. The proposal is therefore considered to accord with policy H13 of the Local Plan.
81. It is accepted that the Highways Officer has concerns over cycle parking provision and the disabled bay. However given the nature of the proposed development in relation to sensitive area it is to be located, it is not considered that these issues are sufficient to warrant refusal in this instance. It is considered that the proposed development would not have an adverse impact on highway safety and the proposal would accord with policies T1, T10, and T21 of the local plan, and would not contradict the aims of policy T20 of the local plan.
82. The proposed development would not have an adverse impact upon protected species or their habitats and there would be no adverse impacts in terms of contamination, drainage or flood risk. The proposal would therefore be in accordance with policies E16, U11 and U8a of the local plan.

RECOMMENDATION

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

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
863/101	Location Plan	03/06/2015
863/102	Site Plan	03/06/2015
863/103	Proposed Basement Plan	03/06/2015
863/104	Proposed Ground Floor Plan	03/06/2015
863/105	Proposed First Floor Plan	03/06/2015
863/106	Proposed Second Floor Plan	03/06/2015

863/107	Proposed East Elevation	03/06/2015
863/108	Proposed South Elevation	03/06/2015
863/109	Proposed West Elevation	03/06/2015
863/110	Proposed North Elevation	03/06/2015
863/111	Proposed Section AA	03/06/2015
863/112	Section BB	03/06/2015
863/113	Section CC	03/06/2015
121	Cross Section DD	03/06/2015
122	Roof Plan	03/06/2015
863/123	Forecourt Landscaping	03/06/2015
863/126	Cross Section Through East Wall	03/06/2015
TPP Rev B	Tree Protection Plan	03/06/2015
AMS TPP Rev B	Arboricultural Method Statement	03/06/2015

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

- No development hereby approved shall take place unless in accordance with the mitigation, recommendations and details within the protected species reports, Bat Survey (No. 17 South Bailey) E3 Ecology Ltd dated May 2015 and Bat Survey (No. 16 South Bailey) E3 Ecology Ltd dated May 2015.

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

- No development shall commence until a full schedule of materials including external materials, hardstanding, windows, glazing, curtain walling, external joinery details, rainwater goods, eaves, verge and parapet details, and details of soffit to overhang has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the surrounding heritage assets and to accord with policies E3, E6, E23 and E22 of the City of Durham Local Plan.

- No development shall commence until an external and night time lighting strategy has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the surrounding heritage assets and to accord with policies E3, E6, E23 and E22 of the City of Durham Local Plan

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

- Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- Post field work methodologies for assessment and analyses.
- Report content and arrangements for dissemination, and publication proposals.
- Archive preparation and deposition with recognised repositories.
- 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.

The development shall be carried out in accordance with the approved details.

Reason: To comply with criteria detailed in the NPPF as the site is of archaeological interest.

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

Reason: To comply with paragraph 141 of the NPPF which ensures information gathered in terms of archaeological interest becomes publicly accessible.

8. No development shall commence until details of disabled parking bay signage has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

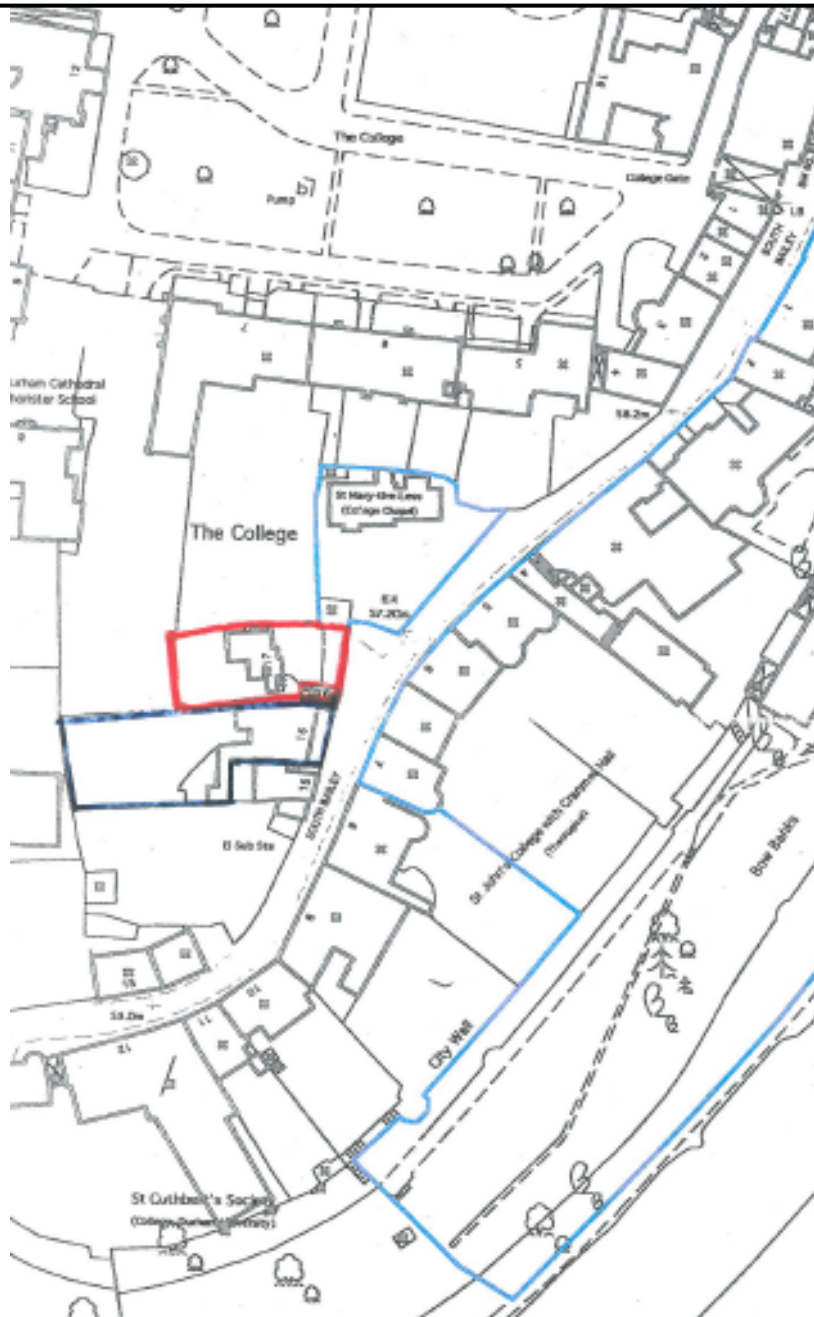
Reason: In the interests of highway safety and the surrounding heritage assets and to accord with policies T1, E3, E6, E23 and E22 of the City of Durham Local Plan.

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
County Durham Plan (Submission Draft)



Planning Services

Demolition of existing building, removal of two trees and erection of Learning Resource Centre at 17 South Bailey, Durham.

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Date
8th September 2015

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/01765/OUT
FULL APPLICATION DESCRIPTION:	Demolition of existing public house (full permission) and outline planning permission for the erection of a pub/restaurant (Use Classes A3/A4), gym (Use Class D2), restaurant (Use Classes A3/A5) and hotel (Use Class C1), with all matters reserved except for access, and full planning permission for the erection of a drive-through coffee shop (Use Classes A3/A5) and retail bakery unit (Use Class A1), along with associated car parking, servicing and landscaping.
NAME OF APPLICANT:	Initial Developments (Properties) Ltd
ADDRESS:	Thinford Inn Thinford Lane Thinford Durham DH6 5JY
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Colin Harding Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site extends to 1.99 ha and is located adjacent to, and to the north-east of, the Thinford roundabout junction between the A688 and A167. It is located just over 2 km to the east of Spennymoor Town Centre and around 8km south of Durham City Centre. The application site lies immediately to the east of the DurhamGate development, a major residential-led mixed use scheme, which currently includes a Marston's pub/restaurant, two office buildings and a growing number of residential housing estates. The site itself is also bounded to the west by a lay-by, a belt of trees and the A167; to the south by the A688, beyond which is Thinford Nurseries and a McDonalds drive-through restaurant; and to the north and east by agricultural land.
2. The south-westernmost part of the application site is currently occupied by the Thinford Inn public house, along with a car park with around 70 parking spaces. The public house does not benefit from any statutory heritage designation having recently

been de-listed, and has been vandalised and fire-damaged since being left vacant in 2012. The remainder of the site to the north and east comprises agricultural land.

3. There are no designations within 2.5km of the site. A Public Right of Way runs to the east of the site. The site is not designated for any specific purpose in either the City of Durham Local Plan or the emerging County Durham Plan.

The Proposal

4. The application is in two parts, and forms a hybrid application. It seeks full planning permission for the demolition of the existing public house and the erection of a drive-through coffee shop (Use Classes A3/A5) and retail bakery unit (Use Class A1), along with associated car parking, servicing and landscaping ('Phase 1'). Outline permission is also sought for the erection of a pub/restaurant (Use Class A3/A4), gym (Use Class D2), restaurant (Use Class A3/A5) and hotel (Use Class C1) with all matters reserved apart from access ('Phase 2').
5. In terms of the access arrangements, there would be an entrance from the A167 to the north of Thinford roundabout for southbound traffic, and an entrance/exit on to the A688 to the east of the roundabout.
6. Details of the proposed bakery unit and coffee shop are provided, as full planning permission is sought for these elements. They would comprise modern retail units, with monopitch roof and large areas of glazing. As only outline permission is sought for the other elements of the proposal comprising Phase 2, no details of these are provided, however the gross floor spaces for each element have been provided.
7. Full planning permission is sought for a 120sq.m Greggs Bakery unit, and a 200sq.m Costa Coffee. Outline planning permission is sought for; 1,900sq.m gym, 250sq.m restaurant, 600sq.m family pub/restaurant and an 80 bed hotel.
8. This application is reported to Committee as it represents a major development. The application has been screened for Environmental Impact Assessment (EIA) purposes, and is considered to not require an EIA.

PLANNING HISTORY

9. There have been several applications at the site, however all relate solely to signage and advertisements at the Thinford Inn itself, whilst it was still operational.

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). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
11. 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. The following elements of the NPPF are considered relevant to this proposal;

12. *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.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
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 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.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (National Planning Policy Framework)

19. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues, and of particular relevance to this proposal is guidance relating to design, flood risk, travel plans, transport assessments and statements in decision-taking;

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

The City of Durham Local Plan

20. *Policy E7 (Development outside of Settlement Limits)* states that development in the countryside will only be permitted where it accords with other criteria based policies.
21. *Policy E14 (Existing Tree and Hedgerows)* requires development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows, wherever possible.
22. *Policy E15 (New Trees and Hedgerows)* encourages tree and hedgerow planting.
23. *Policy E16 (Nature Conservation)* requires development to identify and mitigate any nature conservation interest that may be on a site.
24. *Policy E21 (Historic Environment)* seeks to preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest, and encourages the retention, repair and re-use of buildings which are not listed, but are of visual or local interest.
25. *Policy E24 (Ancient Monuments and Archaeological Remains)* seeks to preserve nationally significant archaeological remains in situ. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ, and where preservation in situ is not justified by the securing of a programme of archaeological investigation.
26. *Policy EMP16 (Employment in the Countryside)* states that employment uses in the countryside which are not essential for agricultural or mineral purposes, or constitute diversification or re-use of existing buildings, will only be approved where there will not be an unacceptable adverse impact upon the character and appearance of the countryside or amenity of nearby residents, where the development can be served by roads capable of accommodating the increase in traffic, where nature conservation interests would not be prejudiced, and where there would be no adverse impact upon the water environment.
27. *Policy T1 (Traffic – General)* states that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety.
28. *Policy S1A (Retail Hierarchy)* seeks to protect the vitality and viability of all centres in the retail hierarchy.
29. *Policy S9B (Major Out of Centre Proposals)* states that where an identified need for large-scale retail cannot be met through existing allocations, preference should be given to sites within the city centre, followed by district centres at Sherburn Road/Dragon Lane and the Arnison Centre, and then local shopping areas within the built up area of Durham City. Where such development cannot be accommodated in

these locations, it will only be acceptable elsewhere if; it satisfies a demonstrable need and conforms to the sequential approach, does not adversely affect the viability and viability of any existing centre within and outside of the district, would not give rise to serious access problem, would not result in a substantial increase in car usage, and it can be shown that the site is accessible by a choice of means of travels.

30. *Policies Q1 (General Principles – Designing for People) and Q2 (General Principles – Designing for Accessibility)* seek to ensure that the layout and design of new development takes account of the requirements of its users.
31. *Policy Q3 (External Parking Areas)* seeks to ensure that proposed parking areas are suitably landscaped, surfaced, demarcated, lit and signed.
32. *Policy Q5 (Landscaping – General Provision)* states that all development that has an impact on the visual amenity of the area in which it is located will be required to incorporate a high standard of landscaping in its overall design and layout.
33. *Policy Q6 (Structural Landscaping)* states that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact.
34. *Policy Q7 (Layout and Design – Industrial and Business Development)* requires new industrial and business development to be of a standard appropriate to the area within which it is located and have regards to Policies Q1 and Q2.
35. *Policy U8A (Disposal of Foul Water)* requires new developments to provide satisfactory arrangements for the disposal of foul and surface water discharges.

The County Durham Plan

36. 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.

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/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf> (City of Durham Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Historic England* – No objections – It is considered that it is not necessary for the application to be notified to Historic England.
38. *Environment Agency* – No objections – The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.
39. *Northumbrian Water* – No objections – Subject to the imposition of a condition to secure a detailed scheme for the disposal of foul and surface water.
40. *Highways* – No objections – Although some concerns were initially raised with regards to the potential for rat-running, these have now been addressed. There are no outstanding highways issues that would result in severe impact upon the highway network.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – Objection - There are a number of concerns with regards to the proposals, particularly the development of the area which falls outside of the footprint of the former Thinford Inn.
42. *Economic Development* – Objection – The application proposes town centre uses in an out of centre location, a considerable distance from Spennymoor Town Centre. The development of town centre uses in this location has the potential to further undermine both Spennymoor and Ferryhill town centres. A further concern is that the application proposes uses that are already planned as part of the DurhamGate development. The scale of the DurhamGate development gives it a strategic importance in the County and the region, and the Council places a great deal of importance upon its delivery and its contribution to the wider regeneration of Spennymoor as it is estimated to accommodate over 2000 jobs upon completion.
43. *Landscape Section* – Objection – Whilst phase 1 will be contained, the visual impact of phase 2 will be significant when seen from the open countryside on the eastern approaches. The landscape character will be significantly affected, with the loss of open farmland and an encroachment into the countryside.
44. *County Ecologist* – No objections. The ecological report is considered to be sound. The proposed mitigation is welcome.
45. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections.
46. *Environmental Health and Consumer Protection (Noise)* – No objections – It is noted that the existing noise climate on the site is likely to be high due to traffic noise, and the nature of the development is commercial, although there is a residential property to the north of the site. There is the potential for later night uses on the northern part of the site to be noise sources, however noise controls can be secured via a suitable condition. Further details of lighting plans and extraction systems will also be required.
47. *Public Rights of Way* – No objections – There are no recorded public rights of way within, or adjoining the site.
48. *Sustainability* – No objections – In relation to the outline permission site there are concerns regarding the scale of development and the potential for unrestricted sprawl into the countryside. However, there are no issues with the site locationally. Few details have been provided with regards embedded sustainability measures.

49. *Employability Team* – No objections – At completion the development could lead to approximately 141 FTE job opportunities.
50. *Drainage and Coastal Protection* – Objection – It is unclear from the submitted information where the existing surface water drainage system discharges to. This must be established if existing outfall pipes are to be used for the proposed development. Overall there is insufficient information to approve the proposal in relation to flood risk and allowable discharge.
51. *Archaeology* – Objection - As an area of greenfield land over 1 hectare, it is the practice of this office, to request field evaluation pre-determination, in this instance geophysics potentially supplemented by trial trenching as necessary. I note the DBA arrives at this conclusion. This field evaluation is necessary for both the LPA, and the applicant, to understand the issues associated with archaeology on the site prior to determination and development commencing. The assessment will seek to identify if any heritage assets are present, and what their significance might be. This would include any features of national significance that may warrant efforts to preserve them in-situ (often called 'show-stoppers') as well as more regionally/locally significant features that will require mitigation measures during the development phase.

PUBLIC RESPONSES:

52. The application has been advertised by means of a site notice, advertisement in the local press, and letters of notification have been sent to adjoining properties.
53. Objections have been received from 5 parties, including a business based at DurhamGate, a residential occupier on the DurhamGate development, and CAST; the consortium who are developing DurhamGate. Further objections have been received from local residents.
54. The main reasons for objection are summarised below;
 - The uses proposed directly replicate uses proposed and already approved at DurhamGate
 - The proposed development has the potential to stall or prevent the completion of DurhamGate; a strategic redevelopment initiative.
 - The application is contrary to the Spennymoor Regeneration Plan which seeks to support the DurhamGate development.
 - DurhamGate is a more logical location for these uses as it would not require residents to cross the A167 to reach them.
 - Insufficient detail of floorspace figures has been provided to allow the LPA to carry out a full assessment of the proposed development upon town centres.
 - The A167 is a natural barrier to prevent development encroaching into the countryside. The development would constitute development outside of existing settlement boundaries.
 - Concerns are raised over the specification and potential performance of proposed highways improvements to accommodate the development.
 - Increase in vehicular movement at an already busy junction.
 - Spennymoor does not require any more fast food outlets
 - The existing building is not an eyesore, and compliments the Thinford Nursery, and provides a positive character to the entrance to Spennymoor. It's retention should not be dismissed.
 - CAST should complete their open space provision obligations before moving onto other projects. [*n.b this application has not been submitted by CAST*]

- Loss of privacy and light due to location of the proposed hotel.
- Waste management and resultant odour.
- Levels of noise generated at hotel.

55. Letters of support have been received from 3 Spennymoor residents, the main points of support being;
- DurhamGate has been a disappointment and is making no progress. If it is not going to deliver, then other developments should be given priority.
 - The Thinford Inn is an eyesore, the development will improve the area, and if the site can generate jobs and revenue for Spennymoor then it should be supported.
 - Traffic should not be an issue as when the Thinford Inn was open, it caused no great issues.

NON-STATUTORY REPRESENTATIONS

56. *Campaign for the Protection of Rural England* – Objections – CPRE do not object to the redevelopment of the Thinford Inn, providing a replacement development is of a similar type and scale. However, Phase 2 of the proposed development extends into open countryside, contrary to the spirit of the NPPF. Further, whilst this site might be within reasonable reach of a number of communities in terms of distance, the routes to it are distinctly unpleasant from a cycling and pedestrian point of view.
57. *Cyclists' Touring Club (CTC)* – Raises Concerns – For most journeys there is currently no alternative to using fast, busy roads to reach the development by bicycle. Until the A167 “Cycle Superoute” is in place there is no direct cycle route from Ferryhill to the development. Concerns are also raised over the current situation in negotiating Thinford roundabout by bicycle, and also that the proposed cycle racks appear to be uncovered.
58. *Durham Constabulary* – No objections – The crime risk assessment in this location is low. Traffic calming measures may be required to deter drivers using the new development as a rat-run.

APPLICANTS STATEMENT:

59. The subject application proposes the redevelopment of the Thinford Inn and adjacent land for a range of new commercial leisure and hotel uses, in order to meet the need for additional such facilities within the local area. Whilst occupying a prominent and sustainable position on a key gateway to Spennymoor, the application site is currently in a disused and dilapidated state. The scheme put forward by Initial seeks to attract operators to the area who have historically not sought to invest in town centre locations, and the application submission demonstrates that there is sufficient growth in expenditure within the catchment area to accommodate a range of leisure and food and drink uses.
60. In relation to the sequential approach, none of the potential alternative opportunities identified in Spennymoor and Ferryhill are fully suitable and available to accommodate the proposed development; a conclusion which has been accepted by Council officers. It has also been demonstrated that there would be no significant adverse impact upon either Spennymoor or Ferryhill town centres. Family pub/restaurant, hotel and gym uses need high levels of prominence and accessibility which is sometimes difficult to achieve in town centre or edge of centre locations, particularly in centres of this scale and nature.

61. Whilst the Council's Planning Policy consultation response states that the DurhamGate site is locationally preferable to the application site, this site occupies an out-of-centre location and is not sequentially preferable to the application site. Although the site is located on the opposite side of the A167, there is no material difference in its accessibility to and from Spennymoor town centre. In such circumstances, planning case law has confirmed that sites should be considered equal in terms of the sequential approach.
62. Moreover, despite planning permission having been extant for six years, there is no evidence to suggest that the remaining commercial uses on the DurhamGate site are any closer to being delivered. In contrast, there is market interest in the development now proposed by our client. We consider it to be in Spennymoor's best interests to secure such investment, particularly in the absence of any deliverable sites or opportunities for uses such as gyms or hotels within the town centre.
63. The Council's Planning Policy consultee has also identified a prima facie conflict with saved planning policy E7 regarding the non-brownfield parts of the development which are outside of settlement limits. However limited weight should be attached to Policy E7 given that it comprises part of the City of Durham Local Plan, which was adopted some eight years before the NPPF. Furthermore, this conflict would be mitigated through the implementation of the substantial landscaping scheme proposed.
64. In the context of all of the above, the scheme would also result in the delivery of a number of other positive material considerations, including:
- The redevelopment of a dilapidated (and partially brownfield) site;
 - Significantly enhance local consumer choice;
 - Generate around 141 (FTE) accessible and attainable new job opportunities;
 - Facilitate substantial highway improvements, including the removal of the 'rat run' through the existing lay-by and the widening of the A688 carriageway to provide a significant capacity improvement;
 - Offer the long-term potential to build upon the success of DurhamGate and other commercial developments in the vicinity of Thinford roundabout;
 - Attract new commercial uses to Spennymoor which would not otherwise be accommodated; and
 - Provide additional private sector gym provision in the local area.
65. In overall terms we consider that, when these material considerations are taken into account in the planning balance, the application is one which should benefit from the NPPF's presumption in favour of sustainable development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

66. 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, landscape and visual impact, impact upon highway safety, scale and design, drainage, ecology, and archaeology and non-designated heritage assets.

Principle of development

67. For ease and clarity, the consideration of the principle of development comprises three key material points, each of which will be considered in turn. These points are considered to be;
- Development of town centre uses within an out of centre location
 - Compliance with the sequential and impact tests, as set out in the NPPF
 - Impact on DurhamGate and realisation of the Spennymoor Regeneration Masterplan

Development of town centre uses within an out of centre location

68. The application seeks full planning permission for a drive through coffee shop and a retail bakery unit, and outline permission for the erection of a pub/restaurant, gym, restaurant and hotel. The coffee shop and retail bakery have named end users; Costa Coffee and Greggs. The other elements have no end users and would appear speculative.
69. The coffee shop and bakery unit are proposed on the footprint of the former Thinford Inn and the elements that have been submitted in outline (pub/restaurant, gym, restaurant and hotel) are located north and east of this.
70. All of the uses proposed as part of this scheme are defined as town centre uses within Annex 2 of the NPPF and would therefore require justification through the relevant policy tests.
71. Paragraph 24 of the NPPF states that a sequential test to planning applications for main town centre uses should be applied where they are not in accordance with an up-to-date Local Plan. It goes on to state that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It also states that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
72. In addition to this, NPPF also states that when assessing applications for retail, leisure and office development outside of town centres, an impact assessment should be required. LPAs should require an impact assessment if the development is over a proportionate, locally set threshold. Where there is not a locally set threshold, the NPPF gives a default threshold of 2,500sqm.
73. The City of Durham Local Plan (CDLP) defines a hierarchy of centres through Policy S1A. This identifies the aim of protecting and promoting the vitality and viability of all centres within the hierarchy.
74. CDLP Policy S9B identifies that where there is need for large-scale retail and leisure development, preference should be for sites within the city centre locations, the district centres at Sherburn Road and the Arnison Centre and then local shopping centres within the built up area of Durham City.

75. These policies are considered to be up to date, and NPPF compliant, therefore significant weight can be afforded to them.
76. Although only very limited weight can be afforded to Policy 26 of the County Durham Plan , this policy updates this hierarchy, however the status of the centres within Durham City remains largely unchanged. As the County Durham Plan covers a far bigger area than that within the CDLP, the hierarchy also includes, amongst others, the towns of Spennymoor and Ferryhill.
77. Policy 26 also re-iterates the requirements of National Policy in relation to Sequential and Impact tests. Analysis of local circumstances, as incorporated within Policy 26 of the CDP, which carries limited weight, has indicated a local threshold of 300sqm for impact tests, although in any event the application as whole would exceed the 2500 sq.m threshold for impact tests, as set out in NPPF.
78. The applicants have provided a sequential and impact assessment, these are discussed below.

Sequential Assessment

79. Despite being located within the former City of Durham District and thus being subject to its Local Plan policies, this location and catchment area is more closely related to Spennymoor and Ferryhill. Therefore for the purposes of the sequential test, it is evidently more realistic to consider whether such a proposal could be located within these centres in the first instance.
80. The applicants have a provided a sequential analysis to support the proposed application which has looked at the towns of Spennymoor and Ferryhill. This level of search is accepted, as it would include the catchment area of the proposed uses in this development.
81. The applicant has dismissed six potential options, five of these in Spennymoor and one in Ferryhill. All of these are sequentially preferable to the application site and are in centre or edge of centre locations.
82. The most prominent and centrally located site considered by the applicants is Festival Walk in Spennymoor. It lies in the heart of the town centre and incorporates a purpose built shopping arcade that suffers from high vacancy rates including the large former Kwik Save unit. The site has a detrimental appearance on the town centre and has long been recognised as an area in need of regeneration. In recognition of this, draft Policy 25 of the County Durham Plan identified the area as a Town Centre Regeneration Area. The policy supports proposals on the site that will improve the retail offer in this area of the town centre. It also identifies a need to resist proposals within edge of or out of town locations that could harm the delivery of Festival Walk.
83. The applicants argue that the site is not suitable to accommodate the range of proposed uses. It is also proposed that the respective business models of the uses proposed are based on the accessibility and proximity to DurhamGate development.
84. Whilst development of this type and scale would be welcomed on Festival Walk, the shopping arcade still houses a number of occupiers; a considerable amount of work needs to be carried out in order to get the site in a position to be developed. Given the issues over timings and availability, the applicant's conclusions on Festival Walk are therefore accepted.

85. The applicants have also dismissed other smaller sites within Spennymoor and Ferryhill, these are:
- Site adjacent to Spennymoor Library, Cheapside
 - Former North Eastern Public House, Clyde Terrace
 - Former Gas Works Site, Carr Street
 - Existing vacant units within Spennymoor town centre
 - Existing vacant units within Ferryhill town centre
86. The principal reason for these sites being dismissed is their size and therefore inability to accommodate the proposed scheme. It is acknowledged that following the publication of the NPPF, there is no longer any requirement to consider disaggregation when applying the sequential approach. This means that for large applications with more than one element proposed, that applicants should not have to seek individual sites for each individual element. Any alternative sites should be capable of accommodating the proposal as a whole. The applicants' conclusions on these sites are therefore accepted, each of the sites is not of a size to accommodate the proposed development.
87. The applicant has not considered DurhamGate within their sequential analysis. Whilst it is acknowledged that sequentially the site is also an out of centre site, the NPPF is clear at Paragraph 24, that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. This point is emphasised within the PPG, again stating that where the proposals would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.
88. In this instance it is therefore important to understand local circumstances. The application site is physically divorced from the main built up area of Spennymoor by the A167 and the large Thinford roundabout. This provides a significant barrier to the town centre in terms of a safe and convenient pedestrian route. DurhamGate is located west of the application site and is therefore both physically closer to the town centre than the application site, and being on the opposite side of the A167 and roundabout has better access to the town centre.
89. As a site DurhamGate is a large mixed use development which has seen the development of new residential and office development as well as a pub restaurant. Alongside these residential and office uses, it currently has an extant planning permission for retail (A1), café/restaurants (A3), a hotel (C1) and day nursery health centre (D1). The site can therefore clearly accommodate many of the uses proposed as part of this application, but it has not been considered by the applicant.
90. It is therefore considered that the DurhamGate site offers a locationally better site to accommodate these uses in terms of its connectivity to the town centre, which is sustainable, available and deliverable. Consequently, it is considered that the sequential test is failed and the development is not acceptable in this regards.

Impact Assessment

91. The applicant has provided an impact assessment as outlined within the NPPF. As was agreed with the applicant this has focused on potential impacts on Spennymoor and Ferryhill town centres.
92. The applicants have concluded that the proposals would not have any material adverse impact upon planned or committed investment within Spennymoor or

Ferryhill town centres. This is, in part, based on the absence of any directly comparable schemes.

93. The applicants do consider Festival Walk and this is prompted by Policy 25 of the CDP. This policy advises that schemes will be resisted where there are concerns over whether they could impact on the delivery of Festival Walk.
94. Whilst the applicants state that the intention of any redevelopment of Festival Walk should be to provide a more retail focused development, the uses proposed within this scheme would be policy compliant and such investment would be welcomed.
95. However given the current situation with the site and its occupiers as discussed previously, and also the limited weight that can be attributed to CDP Policy 25, a refusal of the application based on impact on investment at Festival Walk would not be justified. The regeneration of Festival Walk requires wider consideration, beyond the scale of development proposed in this application, and with existing occupiers currently being located within Festival Walk, it is unlikely that any firm proposals for the redevelopment of this centre will be forthcoming in the immediate future. Consequently, it is considered that the refusal of the application on the basis of its impact upon the regeneration of Festival Walk, when there is no immediate prospect of that regeneration coming forward in any event, would be unreasonable, and unsustainable on appeal.
96. With regards to impact on the vitality and viability of Spennymoor and Ferryhill town centres, any new development involving town centre uses within the shared catchment is likely to lead to some impact on existing facilities within these centres. The applicants have surmised that the vast majority of uses within the town centres would not be in competition with the new proposed uses. Whilst it is accepted that there is limited hotel accommodation within Spennymoor and Ferryhill town centres, there are however restaurant, pubs, gyms and retail bakeries within them which would potentially be impacted on by development within an out of centre location.
97. The applicants have supplied limited information in relation to the Phase 2 uses proposed in outline (pub/restaurant, gym, restaurant and hotel) and this is due to the speculative nature of these proposals. The application does not provide details of end users and the exact levels of new floorspace that these would introduce. It is accepted that the nature of the application means that has not been possible, however in this regard an exact understanding of impact and trade diversion cannot be fully understood. The applicants have relied on the growth in expenditure on the uses proposed which indicates that expenditure will increase significantly, generally.
98. In understanding impacts on town centre vitality and viability, it is important to understand the relative performance of both Spennymoor and Ferryhill town centres. Clearly certain centres are more resilient than others to competing out of centre development. The most up to date town centre surveys indicate that both centres suffer from high vacancy rates, this is particularly the case in Ferryhill where 20% of units within the town centre are vacant, within Spennymoor this figure stands at 14.8%. Given the vacancy rates and the moderate performance of these centres, there are concerns that the introduction of additional out of centre competing uses, could further undermine the performance of Ferryhill and Spennymoor town centres.
99. A further point to consider is that the applicant fails to consider the cumulative impact of the introduction of these facilities alongside the development of the approved facilities at DurhamGate, although it is highly likely that should these facilities be developed, it will be at the expense of the approved facilities at DurhamGate. However, not being an identified local, or town centre, it is considered that the

potential impact of this development upon DurhamGate is not a matter for extensive consideration. DurhamGate is not afforded protection by local or national planning policy, although as highlighted elsewhere in this report, it can be considered to be locationally preferable to the application site.

100. In light of the above, it is not possible to agree with the assumptions of the applicants in relation to the nature of impact on the vitality and viability of Ferryhill and Spennymoor town centres. National Planning Policy Guidance is clear in stating that it is for the applicant to demonstrate compliance with the impact test in support of relevant applications.
101. *Impact on DurhamGate and the realisation of the Spennymoor Regeneration Masterplan*
102. As identified previously DurhamGate represents a large mixed use development within the town. The Spennymoor Regeneration Masterplan recognises its importance and through this identifies that the Council will 'support Spennymoor as a major employment centre including the Green Lane Industrial Estate and DurhamGate development'. The masterplan highlights the levels of public and private investment and also the importance of DurhamGate to the regeneration of Spennymoor and also its strategic importance for the region. Whilst the Spennymoor Regeneration Masterplan does not form part of the development plan, it has received Cabinet approval and limited weight can therefore be afforded to it.
103. It is acknowledged that given the site's status as out of centre any potential impact on investment cannot be considered under paragraph 26 of the NPPF. However as identified in the sequential test, DurhamGate has clear sustainability and locational advantages over the application site. Paragraph 24 of the NPPF states that preference should be given to edge of centre, and out of centre sites that are accessible and well connected to the town centre. Having regards to location of the development site, in comparison to DurhamGate, across the busy A167, it is clear that the DurhamGate site is more accessible, and therefore preferable in this instance.
104. Given the similar nature of the uses proposed within the application and what has permission at DurhamGate, there are concerns that the application could potentially undermine the delivery and realisation of this development and therefore the wider masterplan for DurhamGate.
105. *Retail Impact Conclusions*
106. In terms of local plan policy, the location of the site at the very edge of the former City of Durham District means that it does not unreasonably conflict with CDLP Policy S1A, which seeks to protect Durham City, and local centres in the main settlements. It is accepted that the proposed development, due to its distance from any of these centres would be unlikely to have a significant impact upon them. However, both Policy S9B of the CDLP, and the NPPF allow for a wider consideration of impact, based upon the area most likely to be affected by an out of centre development, regardless of the former administrative boundaries. In this case, it has been identified that both Ferryhill and Spennymoor would be the relevant centres in this case, and are afforded protection from out of centre retail developments in both instances.
107. Policy S9B states that out of centre retail development will only be acceptable if it satisfies a demonstrable need and conforms to the sequential approach, and does not adversely affect the viability and viability of any existing centre within and outside of the district.

108. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test, or is likely to have significant adverse impact upon existing, committed and planned public or private investment in centres, or the vitality and viability of town centres, then planning permission be refused.
109. In this instance it is considered that the proposed development fails to satisfy the sequential test, as suitable and available sequentially preferable sites on the DurhamGate development have been dismissed, and further, that the impact assessment that has been carried out does not provide sufficient evidence to allow a conclusion to be drawn that the proposed development would not be likely to have a significant adverse impact upon the vitality and viability of Ferryhill and Spennymoor town centres. Consequently, the proposed development is considered to be contrary to both Paragraph 27 of the NPPF, and Policy S9B of the CDLP in this respect.

Landscape Impact

110. The site lies outside of any settlement boundary as identified within the CDLP, and can therefore be considered to be development in the countryside. Policy E7 of the CDLP can be considered to be up to date and partially consistent with advice contained within the NPPF. Consequently significant weight can be afforded to it.
111. Policy E7 states that development in the countryside will only be acceptable where it accords with a number of other policies in the CDLP. Amongst these, and most relevant is Policy EMP16. Policy EMP16 states that new employment generating uses located in the countryside must not have an unacceptable adverse impact upon the character and appearance of the countryside, in order to be considered to be acceptable.
112. It is considered that the part of the application for which full planning permission is sought, is likely to be acceptable in this respect. "Phase 1" mainly comprises the site of the existing Thinford Inn and would not require significant extension beyond this. However, "Phase 2", for which outline permission is sought, involves the loss of a significant area of open countryside, in the form of an arable field, and also the loss of some existing mature trees and hedgerow.
113. In order to mitigate this impact, the applicants propose a landscaping plan that retains existing features wherever possible, and further, provides a landscaping buffer of 15m width, comprising native woodland planting. This belt would run north to south across the site, forming its eastern boundary.
114. It is considered that the proposed landscaping arrangements would mitigate the proposed development to a degree, nevertheless, this development would intrinsically alter the character of this part of the countryside, and the approach to Spennymoor to a significant degree.
115. At present, when approaching the Thinford roundabout from the east, along the A688, the character is very much rural until you reach Thinford Nurseries on the left, and then Thinford Inn on the right, before immediately reaching the roundabout and the more urban character that it exhibits.
116. Although the proposed development would not extend into the countryside to the west any further than than the existing Thinford Nursery on the southern side of the A688, it should be noted that the nursery buildings are well contained, and the western part of the site contains only mainly lightweight structures, with a rural feeling being maintained. The proposed development would introduce large commercial properties,

some likely to be around three stories in height to the northern side of the A688, which would only serve to create a more urban feel to the approach to the roundabout, that even a 15m tree belt would be unable to completely mitigate. Further, a tree belt of the size proposed would take a significant length of time to mature sufficiently to provide any level of effective level of screening to the development. In the meantime, the development would likely appear as stark and obvious in this countryside location.

117. Consequently it is considered that the proposed development would fail to accord with Policy EMP16 of the CDLP in that it would have an unacceptable adverse impact upon the character of the countryside, and therefore would also be contrary to CDLP Policy E7.

Archaeology and Heritage Issues

118. Until recently, the Thinford Inn was a Grade II listed building, however following reassessment by Historic England, which found the building to be younger than originally thought, and also fire damaged, the listing has now been removed.
119. It can however still be considered to be a non-designated heritage asset, although the condition of the building does diminish its significance to a certain extent.
120. Paragraph 135 of the NPPF requires the significance of a non-designated heritage asset to be taken into account in determining the application. In weighing applications that affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance.
121. Policy E21 of the CDLP seeks to encourage the repair and reuse of existing historic buildings.
122. Whilst it would be preferable to retain the existing building in some form and for it to be reused, in this case, the building is considered to be of only limited significance. When weighed against wider public benefits of job creation and economic activity, it would be unreasonable to refuse the application on this basis.
123. The application is accompanied by a desk based archaeological assessment, which concludes that a geophysical survey of the site be undertaken. It has not been possible to carry this out to date due to the field which forms a significant part of the site still containing crops. Paragraph 128 of the NPPF requires developers to submit appropriate desk based assessments and where necessary, field evaluation, with planning applications, in order to understand the level of significance of any archaeological remains that may be present on site.
124. Without the required geophysical survey results, it is not possible to properly assess the presence, or significance of any potential archaeological remains. Consequently the application is considered to be contrary to the NPPF in this regard.

Highways

125. Policy T1 of the CDLP seeks to ensure that new development does not have an adverse impact upon the operation of the highway network, or highway safety.
126. The existing layby located next to the Thinford Inn has become at peak times somewhat of a “rat-run” for traffic travelling south on the A167 towards the A688. At present traffic can turn left off the A167, drive through the layby and turn left onto the A688, bypassing the roundabout and its associated queues.

127. This issue has been considered within the proposed development, with a one-way system layout proposed which would introduce a less obvious direct route from A167 to the A688. Whilst rat-running would still be technically possible, it would be more tortuous, less obvious, and less advantageous than at present. Consequently, it is considered likely that it would lead to a certain level of reduction in rat-running incidents, which can be considered to be a benefit of the proposed development.
128. The application also includes other highways improvements, most notably on the A688, where a protected right turn box would be introduced to accommodate traffic turning into the development, and also widening the approach to Thinford roundabout to allow the two lane eastbound approach from the A688 to be extended further west than at present. Concerns previously raised regarding access to the Thinford Nursery site have been addressed by means of “Keep Clear” markings.
129. The submitted Transport Assessment and highways arrangements have been fully considered by the Highways Authority, who consider that the proposed development would not have an unreasonable adverse impact upon the operation of the highway network, and that there is sufficient capacity to accommodate the development. Neither would it have an adverse impact upon highway safety.
130. The application can therefore be considered to be in accordance with Policy T1 of the CDLP.
131. In terms of other methods of travel, the application is considered to perform less well. The site is located adjacent to the busy Thinford Roundabout, and the A167 lies between the site and Spennymoor. In order to access the site by foot, the roundabout needs to be negotiated, which requires the use of several pedestrian crossings. Arguably, access to the site is neither easy nor pleasant.
132. Access by bicycle is worse, with there being a lack of cycling infrastructure incorporated within the roundabout, or on approaches to it in relation to access to this site. The roads in this vicinity are busy, and the junction complex, which is wholly discouraging to cyclists, casual or otherwise. The pedestrian crossings are designed for use on foot only, presenting cyclists with the choice of either navigating the busy junction, or dismounting and using the pedestrian crossings. It is considered that neither option is particularly attractive or convenient.
133. These concerns have been raised by both CPRE and CTC, and whilst they are not considered to be highway safety issues, they are issues of convenience and general site sustainability, and further highlight the locationally preferable situation of the DurhamGate development, which is better related to Spennymoor in terms of access by means of travel than car.

Scale and Design

134. As the application is in hybrid form, and is therefore partially outline, details of the proposed buildings are currently only known for those buildings within Phase 1, namely the Greggs and Costa Coffee outlets.
135. These buildings would be of a relatively standard contemporary retail unit design and would reflect those which can be found elsewhere in the vicinity of Thinford Roundabout. Policy Q7 of the CDLP seeks to ensure that new commercial developments reflect their surroundings, whilst Policies Q1 and Q2 seek to ensure that new development is designed with end users in mind, and it is considered that the proposed development, insofar as details are known at this stage, would be in

accordance with these policies. Further, the proposed parking arrangements would also appear to be in accordance with Policy Q3.

Residential Amenity

136. Although much of the application is outline form, objections have been received with regards to the location of the proposed hotel, and further, the Environmental Health Officer has also raised some concerns with regards to the expected noise levels that would be generated by the development, particularly at night, when background traffic noise will be lower.
137. It is noted that the outline element of the application does allow for layout to be altered at the Reserved Matters stage. This affords the flexibility to adjust the final position of elements, including the hotel, and with further details of the proposed uses and buildings, that the possible noise that they might generate can be better assessed and mitigated. It is considered unlikely that the proposed uses would generate such noise so as to render their inclusion within the application as unacceptable, and it is proposed that should members be minded to approve the application, that further noise survey and mitigation work should be undertaken.
138. Equally, it is accepted that the proposed layout does indicate potentially substantial development in relatively close proximity to the residential property that sits to the north of the site. However, with layout, scale and design still to be finalised, it is considered that any impact upon this property can be properly assessed at a later stage.

Ecology

139. The submitted ecological appraisal has identified that the site is of relatively low ecological value, with the potential to have only negligible impacts upon protected species.
140. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Regulations). The Regulations established a regime for dealing with derogations, which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
141. In this respect, the County Ecologist has considered the submitted ecological appraisal and agrees with its findings, that there would not be an impact upon protected species as a result of this development. Policy E16 of the CDLP seeks to protect nature conservation interests, and it is considered that this proposal would be in accordance with this policy, and further, that the Authority can discharge its requirements with regards to the Regulations.

Drainage

142. The site lies within Flood Zone 1 and is therefore considered to be at a low risk of flooding.

143. The submitted drainage report identifies that there is existing surface water drainage on site at present, although it is not recorded on Northumbrian Water's plans and it is unclear where the outfall runs to. Whilst this should be ascertained prior to development commencing, it is considered that this could be secured by means of a planning condition, along with a suitable scheme of foul and surface water drainage, in accordance with Policy U8A of the CDLP.

Other Matters

144. The Council's Employability Team notes have indicated that the development would be likely to generate 141 FTE jobs, and request that if permission is granted, that occupiers of the approved units liaise with the Employability Team to target recruitment in accordance with local need. Whilst such an approach can only be encouraged, it is considered that it would be unreasonable and unnecessary to secure this by means of a planning condition.
145. With regards to the potential for on-site contamination, the Environmental Health and Consumer Protection Team acknowledge that site is not contaminated and require no further work in this respect.

CONCLUSION

146. The proposed development represents the introduction of town centre uses, into an out of town, countryside location.
147. Although the level of proposed investment in the County is welcomed, it is nevertheless considered that the location of such businesses is inappropriate, and it has not been demonstrated that this development would not have an adverse impact upon local town centres, notably Ferryhill and Spennymoor, both of which are already under-performing. This is contrary to Policy S9B of the CDLP, as well as paragraph 27 of the NPPF.
148. Further, the location of the site directly opposite the DurhamGate development means that it would be likely to significantly delay or even prevent the completion of this major regeneration scheme, which already has planning permissions in place for the uses proposed.
149. Whilst it is accepted that purely in retail impact terms, DurhamGate is no more or less sequentially preferable than the application site, it is considered that the DurhamGate site represents a more sustainable location for the proposed uses, with the application site suffering from poor access from Spennymoor by any means of transport other than car. This is contrary to paragraph 24 of the NPPF which states that preference should be given to accessible sites that are well connected to the town centre.
150. Further, the encroachment of the application site into the countryside beyond the existing previously developed Thinford Inn site is considered to lead to unacceptable impacts upon the countryside, particularly at an important gateway to Spennymoor, which cannot be adequately mitigated, contrary to Policies EMP16 and E7 of the CDLP.
151. Additionally, the application does not provide adequate information to allow its impact upon potential archaeological remains to be fully considered, contrary to paragraph 135 of the NPPF.

152. It is acknowledged that the application would bring certain public benefits, primarily in the form of a reduction in rat-running, improving the appearance of the site by means of removing a derelict building, and the creation of around 141 FTE jobs. However, these benefits in themselves are not considered to outweigh the negatives of the proposal, as outlined in this report.
153. Whilst the application is considered to be acceptable in other respects, the reasons set out above means that the application cannot be supported.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

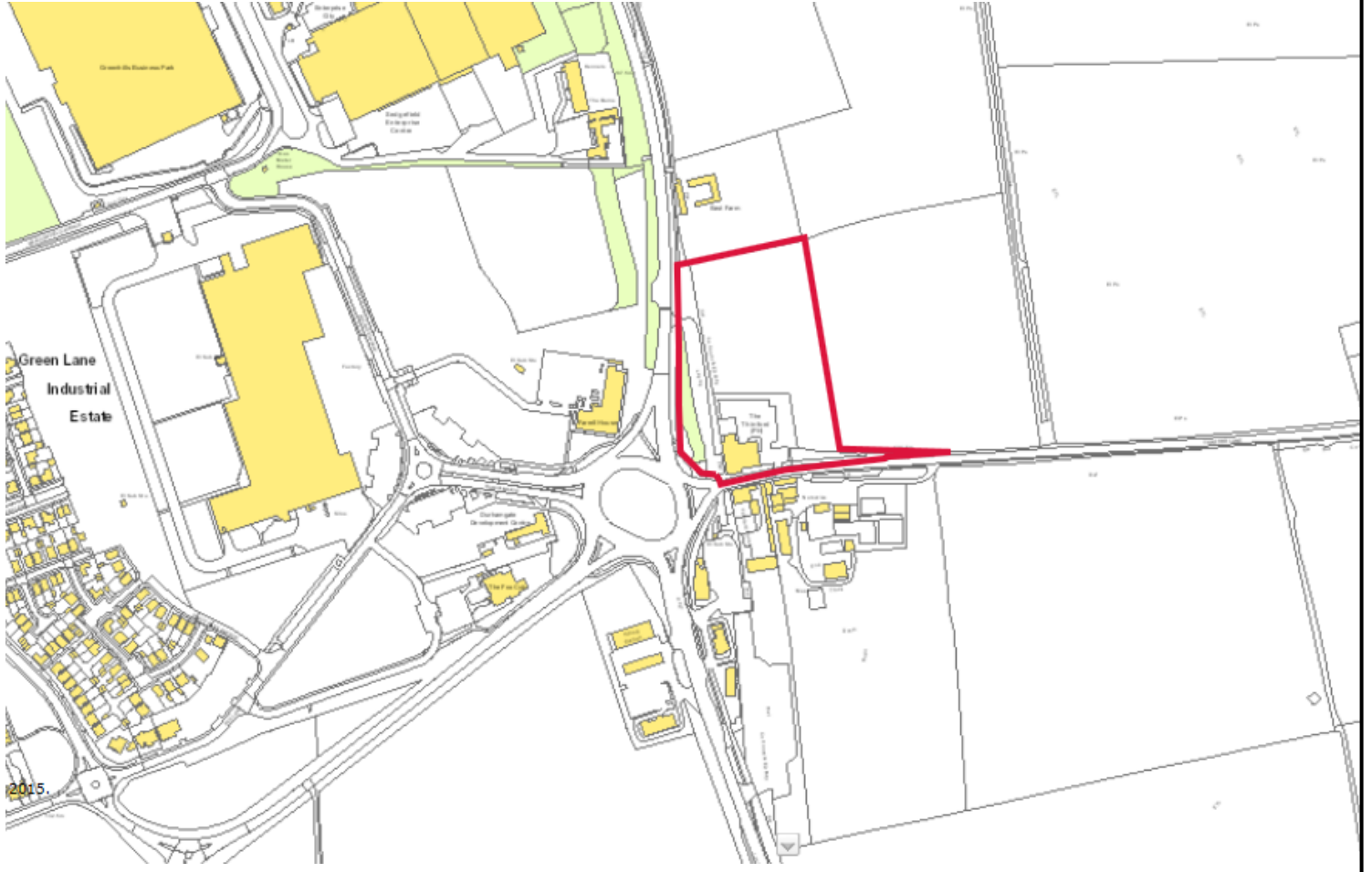
1. The proposed development would constitute the location of town centre uses in an out of town location where there are sequentially preferable sites available, and where it has not been adequately demonstrated that the development would not have a significantly adverse impact upon the vitality and viability of existing town centres contrary to Policies S1A and S9B of the City of Durham Local Plan and paragraphs 24 – 27 of the National Planning Policy Framework.
2. The proposed development would constitute the location of employment uses in a countryside location with resultant adverse impacts upon the countryside that cannot be adequately mitigated contrary to Policies E7 and EMP16 of the City of Durham Local Plan.
3. Insufficient information has been submitted in order to adequately assess the impact that the proposed development would have upon potential archaeological remains contrary to paragraph 128 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- National Planning Policy Framework
- National Planning Policy Guidance
- The County Durham Plan (Submission Draft)
- City of Durham Local Plan
- Statutory, internal and public consultation responses



Planning Services

Demolition of existing public house (full permission) and outline planning permission for the erection of a pub/restaurant (Use Classes A3/A4), gym (Use Class D2), restaurant (Use Classes A3/A5) and hotel (Use Class C1), with all matters reserved except for access, and full planning permission for the erection of a drive-through coffee shop (Use Classes A3/A5) and retail bakery unit (Use Class A1), along with associated car parking, servicing and landscaping. (DM/15/01765/OUT)

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Comments

Date August 2015

Scale Not to scale

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