



## Area Planning Committee (Central and East)

**Date** Tuesday 13 October 2015  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 8 September 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/15/01520/FPA - Land adjacent Evergreen Park, Crimdon  
(Pages 15 - 26)  
Change of use from materials storage area to permit siting of 16 executive holiday lodges
  - b) DM/15/02021/FPA - 60B & C Claypath, Durham, DH1 1QS  
(Pages 27 - 42)  
Demolition of existing two storey end-terrace house and construction of two student flats.
  - c) DM/15/02154/FPA - Shoulder of Mutton, Low Row, Easington, Peterlee, SR8 3AU (Pages 43 - 54)  
Change of use, partial demolition and rebuild/extension of public house to provide 13 residential units.

- d) DM/15/02392/FPA & DM/15/02393/LB - Old Shire Hall, Old Elvet, Durham (Pages 55 - 80)

Change of use from office (B1) to 81 bedroom hotel (C1) with fitness suite and spa, restaurant and bar, coffee shop, associated access, car parking and landscaping. Demolition of rear extension and creation of a new lift shaft and kitchen stores. Internal and external alterations to a listed building.

- e) DM/15/02602/FPA - Land to the east of Fairfalls Terrace, New Brancepeth (Pages 81 - 96)

Construction of 33 houses and associated carriageway, footway and landscaping.

- f) DM/15/01548/FPA - Former Croquet Lawns, Aykley Heads, DH1 5TS (Pages 97 - 126)

Erection of two storey office building with associated access, parking 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

5 October 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 8 September 2015 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, A Laing (Vice-Chairman), J Lethbridge, B Moir, C Kay, K Shaw and F Tinsley

**1 Apologies for Absence**

Apologies for absence were received from Councillors S Iveson and J Robinson.

**2 Substitute Members**

Councillor F Tinsley substituted for Councillor S Iveson.

**3 Minutes**

The minutes of the meeting held on 14 July 2015 were confirmed as a correct record by the Committee and were signed by the Chair.

**4 Declarations of Interest**

There were no declarations of interest submitted.

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

**5a DM/15/01616/LB - Former school premises, Seaside Lane, Easington Colliery**

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of former school premises at Seaside Lane, Easington Colliery (for copy see file of Minutes).

The Team Leader (Central and East) provided the Committee with a detailed presentation which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor D Boyes, local Member addressed the Committee on behalf of his colleague Councillor Surtees, the Parish Council and for 1800 people who had signed a petition and submitted letters in support of the demolition of the buildings.

Local residents remembered the school with fondness but it had had its day. Not one person considered that it should stay and there was an over-riding feeling that that Easington Colliery could not move forward with the regeneration of the area without the demolition of the buildings.

The NPPF stated that planning consent should be refused unless it could be demonstrated that the public benefits outweighed the harm or loss. Residents believed that the public benefits outweighed the merits of keeping the buildings and he asked Members to consider how they would feel if the buildings were within their own divisions.

The buildings had been called the 'biggest eyesore in the North East', the site had not been marketed properly since 1997, primarily because of the age of the building and attempts to secure grant-aid had failed. Any business would want modern, fit for purpose premises. It had also been impossible to find community groups to occupy the premises as there was already an abundance of other facilities in the area and because of the state of the buildings. All options had been explored without success.

Unfortunately the applicant was not able to be present but wished to consult with the community about future usage. If members were minded to approve the application he asked that a condition be included requiring any works to be carried out within one year.

The local Member concluded that if the application was refused residents would be condemned to continue living next to dilapidated buildings, and the ongoing regeneration of the area would be affected.

Members discussed the application at length.

Councillor Laing had noted on the site visit that the building housed a flock of pigeons and she discussed the potential health hazards of this. She stated that health risks were often exaggerated but such a large population of birds may present a risk of disease to residents living close to the site. The Member had research information about the health risks they posed which she shared with the Committee.

The Member also referred to the applicant's heritage statement which described the former school as the most important group of historic buildings associated with Easington Colliery, creating an architecturally positive impact on the local landscape buildings, and that Conservation Officers considered that they had evidential, historic, aesthetic and communal value in accordance with Historic England Conservation Principles. However key to this was the acknowledgement that the ongoing dilapidation through redundancy had resulted in the concerns of the public that the buildings were an eyesore.

Following a request for clarification from Councillor Kay, the Solicitor - Planning and Development advised that Listed Building Consent was sought for the demolition of the Grade II Listed former school buildings, and Members should consider the heritage impact of this.

Councillor Kay continued that the building could not be considered attractive. He believed that the value to the community of Easington Colliery far outweighed the loss of the buildings through demolition. The buildings had been empty since 1997 and whilst Historic England and the Victorian Society had offered objections he believed that they were without substance. There had been no interest in the buildings and he was aware of a similar application in Durham where a listed building had been demolished to create an Accident and Emergency Department. He therefore moved that the application be approved as the community and economic benefits to Easington Colliery far outweighed the loss of an eyesore.

Councillor Bleasdale believed that the people of Easington Colliery deserved better than for these dilapidated buildings to remain standing. Since the school had become unoccupied the site had become dirty and littered, with trees growing across the land. Residents did not deserve to view these buildings every day.

In noting the strong objections from Historic England and the Victorian Society Councillor Conway was concerned that they were not in attendance. Whilst in its day the school was of architectural significance, there were numerous examples in County Durham of sites that had been adapted for other uses. This site had not. Reference had been made to the tests in paragraph 133 of the NPPF, as outlined in paragraphs 33 and 34 in the report. In his opinion it could not be denied that the buildings were preventing all reasonable uses of the site. In the 18 years since occupation of the buildings, a number of organisations had tried to find a use for the premises but without success. Measures had been taken by previous owners to attempt to secure grant aid which had failed. The Committee had heard from the objectors that marketing opportunities had also failed. Given the numerous examples of this kind, any loss was outweighed by bringing the site back into use. One of the tests was that no viable use of the heritage asset itself could be found in the medium term; 18 years could be described as medium to long term.

He considered that clearing and greening the site would be a significant improvement and may bring it back into use in the future. If Members were minded to approve the application he asked if a condition could be included which would require the demolition and clearing/greening of the site within 12 months.

Councillor Tinsley stated that careful consideration should be given to the demolition of such sites whenever there were objections from Historic England and the Victorian Society, however in this case as the buildings had been empty for 18 years without any proposed uses coming forward it was unlikely that any would be identified in the future. The applicant had not submitted any proposals for the site or provided marketing material and he was concerned that if the application was approved and referred to the Secretary of State a Planning Inspector would not have enough information to appreciate the context of the buildings in the area. It was therefore critical that this information be provided by the applicant if the application later went to Public Inquiry. Easington Colliery was in need of

regeneration and the regeneration of this site was critical to this, and he therefore supported demolition of the buildings.

Councillor Lethbridge stated that the building must have been a proud possession of Easington Colliery and was a piece of history but he fervently supported the speech made by the local Member. This was about reclaiming the site; trees were growing up through the former playground and the whole site was derelict. He did not accept the comments in the report that demolition would result in an irreplaceable loss of a national important Grade II Listed Building. Demolition would not constitute a loss but would be a gain for the community. He also asked if this building was in Durham City whether there would be a similar debate.

Councillor Shaw commented that in his own community 7 schools built in the same period had been demolished and this had led to the provision of other facilities for the benefit of the community. Residents of Easington Colliery did not deserve anything less than this.

Councillor Dearden was of the view that in examining the application, Members needed to look at the value of the buildings against the value of the demolition to the community. Value was diminishing as time progressed and opportunities for the buildings to be reclaimed as a Heritage Asset were reducing as time progressed.

The Team Leader referred Members to a detailed letter from Historic England which set out their concerns and explained what was required of the applicant to be able to support demolition. The applicant had not provided any evidence with regard to marketing or evidence that grant funding had been applied for.

To assist Members the Solicitor - Planning and Development explained that paragraph 133 of the NPPF applied tests in respect of the loss of a designated Heritage Asset. Planning consent should be refused where a proposed development would lead to substantial harm or loss of significance unless substantial harm or loss was necessary to achieve substantial public benefits, or any or all of the four tests referred to in paragraph 10 of the report applied.

Councillor Clark advised that there were substantial levels of COPD in Easington Colliery and noted Councillor Laing's comments about the potential health risks caused by the pigeons. She also noted that there had been no objection to the demolition of the public house situated nearby. The Victorian Society had objected but had not come to the meeting to promote the value of the building, nor was the former school visited by tourists. Demolition of the buildings would meet tests in paragraph 133 of the NPPF. The loss of the buildings would benefit the community and the mental well-being of residents, even if the site was just greened over and not used.

In concurring with the views of other Members, Councillor Davinson stated that if the application was approved, the applicant should be required to provide a timescale for demolition of the buildings and provide evidence of marketing. Following a suggestion from the Member that the application be deferred to allow the applicant to produce evidence of marketing to strengthen the case for demolition following referral to the Secretary of State, the Solicitor advised that

unless they felt that there was not enough information to enable the Committee to reach a decision, Members should consider if either of the tests in paragraph 133 of the NPPF had been satisfied.

Councillor Tinsley made the point that if the decision was approved and the matter went to Public Inquiry this would give the applicant sufficient time to prepare evidence.

A motion to approve the application was proposed by Councillor Kay and seconded by Councillor Conway. There was no motion to refuse the application in accordance with the Officer's recommendation.

Members considered that the tests in paragraph 133 of the NPPF would be met and the substantial public benefits achieved through demolition of the buildings would outweigh the harm or loss of the designated heritage asset. If approved the proposals would promote the regeneration of Easington Colliery and would improve the visual amenity of local residents by the removal of a dilapidated and overbearing building.

Councillor Tinsley suggested that a further reason for refusal of the application was crime and the fear of crime as the building was subject to vandalism and anti-social behaviour.

Some Members had also referred to health impacts but on advice from the Solicitor, it was acknowledged that there may be insufficient evidence to sustain this as a reason for refusal.

Upon a vote being taken it was **Resolved:**

- (i) That the application be approved for the following reasons, and referred to the Secretary of State for determination:-

Approved unanimously because, although having special regard to the desirability of preserving the building, the Committee was satisfied that the loss of the building was necessary to achieve substantial public benefits that outweigh its loss, namely: promoting the regeneration of Easington, making the site more attractive for development and the potential for economic benefit, fear of crime at the continued presence of existing dilapidated buildings, public health concern and improvement to visual amenity through the removal of dilapidated buildings that dominate the streetscape.

- (ii) Subject to conditions for 1 year time limit, bat mitigation, site restoration, accordance with approved plans and archaeological recording of the building.

**6 DM/15/01747/FPA - Land Rear of 2 Seaside Lane South, Easington, Peterlee, SR8 3PN**

The Committee considered a report of the Senior Planning Officer regarding an application for a dwelling house on land to the rear of 2 Seaside Lane South, Easington (for copy see file of Minutes).

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

Councillor D Boyes, local Member addressed the Committee in objection to the application on access grounds. The lane was congested both mornings and evenings which was of concern to residents, and the strength of feeling was demonstrated by the number of names on the petition. He hoped that Members had observed the problems experienced on the site visit.

He noted the number of en-suite bedrooms proposed and expressed concern that the dwelling may be occupied by a number of families or used as student accommodation, generating potentially three or four cars at the property. Parking facilities were inadequate for this number of vehicles. The dwelling would be located near a blind bend where there had been many accidents in the past.

The Highways Officer understood the concerns expressed as the rear lane to the rear of the proposed dwelling was very narrow in comparison to others across the County. However in 2002 planning permission had been granted for six developments in the locality with integral garages and driveways. Whilst the three car parking spaces proposed could only practically accommodate two vehicles, this complied with minimum standards implemented in 2013. Unlike the other dwellings, the proposed development had a dual access aspect with pedestrian access to the front of the site onto Welfare Close. Visitors could park in a public lay-by on Welfare Close and therefore two car parking spaces was enough to accommodate the development. There had been no reported accidents in the last five years and taking all factors into account the proposals were deemed to be acceptable in highway terms.

R Hepplewhite addressed the Committee on behalf of the applicant. He stated that this was not the first allotment to be subject to an application for housing and therefore a precedent had been set. With regard to the concerns expressed regarding access, he had visited the site the previous week at 7.45am and considered that the lane acted as an informal traffic calming measure. There were cars parked along the street but he had experienced no difficulties in passing through, with the lane being accessible from both directions. Three parking spaces would be provided and although he accepted the comments of the Highways Officer that the provision would practically accommodate two vehicles, this would still meet minimum standards. The allotment had stood vacant for some time and whilst residents had the right to make representation, their concerns did not warrant refusal of the application.



In drawing up the plans the applicant had taken due account of the Officers' comments and had produced a modern high specification development with off-street parking. With regard to the comments made concerning the number of en-suite bedrooms he had advised that his client had given no indication that the dwelling would be used as anything other than a family home.

At this point the occupier of the neighbouring dwelling asked to speak on the application, but his request was declined in accordance with the Procedure for Speaking at Planning Committees which required a person to register to speak by 12noon the day before the meeting.

Members discussed the application and Councillor Lethbridge stated that his first impression on visiting the site was that that the proposals would be an improvement but he had concerns about the highway safety implications raised by the local Member.

Councillor Kay acknowledged that Councillor Boyes had made an impassioned and reasoned argument against the application but a key consideration was that there had been no accidents in the last 5 years. He could not give any reasons to support refusal of the application.

Councillor Kay moved and Councillor Laing seconded that the application be approved.

**Resolved:**

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

**7 DM/15/01730/FPA - 17 South Bailey, Durham, DH1 3EE**

The Committee considered a report of the Team Leader (Central and East) regarding an application for the demolition of an existing building and erection of a Learning Resource Centre at 17 South Bailey, Durham (for copy see file of Minutes).

The Team Leader in presenting the report advised of proposed amendments to conditions 4, 5, 6 and 8, and to an amendment to paragraph 5 in the report which should read that the proposed development would fall to be considered within Schedule 2 Development of the Environmental Impact Assessment (EIA). The screening assessment concluded that an EIA was not required.

Members had visited the site and were familiar with the location and setting.

D Wilkinson of St John's College and D Darbyshire, the architect were present to respond to questions.

Councillor Clark noted the comments in the report from the Design and Conservation Team that the proposed development accorded with planning policy with respect to impact on heritage assets. However this was contradicted by the World Heritage Site Co-ordinator who considered that the proposal would fail to preserve the heritage assets.

The Planning Team Leader clarified that the World Heritage Site Co-ordinator was an interested party, external to the Authority and had differing views to the Council's own Design and Conservation Team.

Councillor Moir agreed with the views of the World Heritage Site Co-ordinator; the current building on the site was not particularly attractive but the proposed development would not be an enhancement and would have a negative impact, destroying the character of the area.

Councillor Tinsley was of the view that new buildings in the City of Durham should be designed to become listed buildings of the future. Other buildings in the peninsula had Georgian windows at regular intervals but this was not planned here. He also considered that the parapet height should be continued along from the adjacent property at no.16 and the building was 10-15% too big for the site, as shown in the slide of the view from the Cathedral. He supported a contemporary approach and the design did achieve this but he considered that the proposed building was slightly overlarge for the site.

Councillor Lethbridge considered that the street scene in this part of the City was valuable to the peninsula. He appreciated that the architect had been able to exercise imagination but the result was a building that was out of character with the rest of the street.

In sharing the views of Councillors Conway and Tinsley with regard to the contemporary design, Councillor Dearden added that this part of the City Centre was unique but was a historic environment that was used. However the proposals did not accord with paragraphs 7 and 12 of the NPPF.

The applicant was asked to comment on the size of the proposed building. D Wilkinson explained that the centre would serve Church Leaders as well as students so there were particular needs for study rooms, lecture rooms and library facilities. The applicant had consulted with the Planning Authority, the City of Durham Trust and the Cathedral to produce the proposals before Members. The World Heritage Site Co-ordinator was a lone voice in its objections and the roof height had been lowered considerably to what was originally proposed.

D Darbyshire, the architect added that this was a public building and the buildings around the site were 18<sup>th</sup> and 19<sup>th</sup> Century domestic dwellings. The step change in the roof was designed to reflect the considerable change in levels between properties no. 16 and 17. This was to be a modern build using traditional materials and was the minimum size required for the Centre to be viable. He did not consider it to be over-scale with a one storey difference from the front to the rear. One storey was also accommodated in the basement.

Councillor Freeman offered his agreement to the views of other Members of the Committee. He acknowledged that the current building at no.17 was out of place in the locality but the proposed building was not an appropriate replacement, being architecturally different with much greater massing on the site. He also agreed with the views of the World Heritage Site Co-ordinator.

Councillor Bleasdale considered the area to be a picturesque part of the City and the design was not in-keeping, however she felt that the Officer's recommendation for approval should be supported.

Councillor Moir moved refusal of the application on the grounds that the scale and design of the proposed development would not preserve and enhance the historic environment and would not be in accordance with sections 7 and 12 of the NPPF.

The motion was seconded by Councillor Freeman.

**Resolved:**

That the application be refused for the following reason:-

By virtue of scale, massing and detailed design, the proposed development would fail to preserve or enhance the character, appearance or setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site and would not be in accordance with sections 7 and 12 of the NPPF.

**8 DM/15/01765/OUT - Thinford Inn, Thinford Lane, Thinford, Durham, DH6 5JY**

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of the 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 (for copy see file of Minutes).

The Senior Planning Officer advised of a late representation from Roberta Blackman-Woods MP that the application failed the sequential test and would have a detrimental impact on DurhamGate. Thinford roundabout was heavily trafficked and the proposed development would exacerbate this.

Councillor Blakey, local Member addressed the Committee expressing concerns with regard to the reasons for refusal. The public house had been a listed building but the status had been removed. The building had suffered from an internal fire. There were already new developments surrounding the roundabout and this site was in need of re-development. The proposals would promote tourism, encourage overnights stays in the County and boost jobs. The A688 was a fast road and the development would remove a rat-run. This development did not pertain to Festival Walk and DurhamGate. The Member noted the comments in the report with regard

to the archaeological assessment and asked why a geographical survey had not been carried out, and if it could be included as a condition.

The Senior Planning Officer responded that the archaeological assessment was carried out by the applicant which concluded that a survey should be required. In accordance with the NPPF developers were required to submit appropriate desk based assessments at the pre-determination stage to identify any features of national significance ie 'showstoppers'. As this work should have been completed before determination of the application it was not possible to require an assessment by condition.

Councillor Williams, local Member agreed with the views of Councillor Blakey and noted the conflicting evidence in the report in terms of the retail impact on the town centres and the sequential test. Furthermore, Festival Walk was not in Coxhoe Division and local Members for the Spennymoor Division were in support of the proposals. The report stated that there were concerns that the lay-by was used as a rat-run at present but the Thinford roundabout itself caused problems which had not been addressed. Coxhoe Parish Council had conveyed its support to the application but this had not been highlighted in the report. Councillor Williams advised that local members had complained about the building next to the Coach and Horses on the A167 which was a blight with no proposals for its development.

I Beaumont, Project Director of CAST addressed the Committee against the application. CAST was a local development consortium for DurhamGate with a strong interest in Spennymoor.

He commenced by explaining that there were proposals for the DurhamGate North site adjacent to the Coach and Horses which had not yet been brought to Committee.

DurhamGate was one of the largest mixed-use regeneration schemes in the North East and over £100m was being invested. The scheme would deliver a mix of residential and business park developments. DurhamGate would provide a very large number of jobs.

The proposed development would have a negative impact on the marketability of DurhamGate; a development of the size of DurhamGate took considerable time to be delivered. For example the recent acquisition of the North site would allow Black and Decker to relocate whilst maintaining a presence in Spennymoor. DurhamGate already benefited from consent for the majority of uses proposed at Thinford Inn.

The proposed development would result in a direct loss of jobs and he was also concerned about the impact upon Spennymoor and Ferryhill as it was important that these were vibrant town centres. He noted that there were no floor space areas provided for the whole development and therefore an informed decision could not be made.

In conclusion I Beaumont stated that the proposed development would have a substantial negative impact and jeopardise the future of the DurhamGate Scheme. The application was also contrary to planning policy.

J Wallis, the applicant's agent spoke in support of the application. He referred to the contradictory information in the report regarding retail impact and the sequential test as alluded to by Councillor Williams. Officers had considered that the site failed the sequential test but he disagreed. There were no sequentially preferable sites which could accommodate the proposed development; Thinford Inn should therefore be treated as a sequentially preferable site. DurhamGate was over a mile away from Spennymoor Town Centre. Both sites should be considered equally in applying the sequential test.

This type of application needed high levels of prominence and accessibility; this site was an ideal location being a key gateway to Spennymoor. There was no basis for concerns about landscape impact, the application accorded with planning policy and he disagreed that a requirement to carry out an architectural survey could not be included as a condition.

W Baister addressed the Committee on behalf of the applicant. He stated that the former Thinford Inn had been acquired 3 years ago but disappointingly did not meet the requirements of a successful family pub and there were now concerns about the building's structural condition and theft from the property. The building had been dated incorrectly and had been de-listed; it had no historical significance. A decision had therefore been taken to regenerate the site with a vision of making it an attractive addition to the viable gateway to Spennymoor. The proposed uses were not currently available in Spennymoor town centre. Highway improvements were proposed, including a footpath, and the rat-run would be removed as the lay-by would be landscaped. Redevelopment of the site would generate 141 jobs. He believed that the planning issues raised had been addressed and the development would promote positive economic development, create jobs, secure highway improvements and improve highway safety.

In response to the comments raised, the Senior Planning Officer accepted that the building in its current condition did not contribute to the area. The proposals also included the development of a greenfield site and whilst the highway improvements were acknowledged these could be delivered with Phase 1. Officers were of the view that the benefits of the scheme did not outweigh harm.

With regard to the comments of J Wallis and Councillor Williams in relation to the retail impact and the sequential test, by way of clarification the Officer explained that the Thinford Inn site was not more or less sequentially preferable to DurhamGate but NPPF paragraph 24 stated that preference should be given to accessible sites that were well connected to town centres. Officers were of the view that DurhamGate was more accessible and better related to Spennymoor. The Thinford Inn was across a road and on the edge of open countryside.

J Cook of the Spatial Policy Team explained that floor space details and an assessment of end users had not been provided by the applicant and it was therefore very difficult to agree with the presumption that the proposed development would have no impact on the town centres of Spennymoor and Ferryhill which had a number of shop vacancies.

With the permission of the Chairman, local Member Councillor Blakey spoke again stating that Ferryhill was a small market town and people were not shopping at Festival Walk. This development would secure employment opportunities and she did not see the relevance of the site being located across the road from the Spennymoor side of the roundabout.

Councillor Bleasdale reiterated the comments of Councillor Blakey and questioned the impact the proposals would have on DurhamGate in reality. She also questioned the relevance of considering the applications on the basis of potential duplication of uses.

The view of Councillor Bleasdale in terms of impact on town centres was shared by Councillor Clark who, following a request for clarification, was advised of the access arrangements. Councillor Clark also asked if both Phases had to be determined together.

Councillor Kay considered that the application would constitute an improvement to the area. The site was already surrounded by development on 3 sides and by a dilapidated site. He agreed with the applicant's statement that objections to the scheme were purely on a commercial basis. Tindale Crescent had not impacted on the town centre of Bishop Auckland where shop vacancies had reduced. Highway improvements to the A688 would be welcomed and pedestrian crossing facilities were already in existence on the roundabout. The development would have a positive impact on the area in terms of regeneration and 141 jobs would be created.

Councillor Lethbridge stated that the area was undergoing change and the closure of Thinford Inn reflected the continuing changes being seen. As with other Members of the Committee, he did not accept the comments made that it would affect the town centres. People now visited out of town supermarkets. He viewed this as an extension to the development of DurhamGate itself.

Councillor Freeman advised that the Committee had heard a lot about preserving Spennymoor and Ferryhill and the future prospects of DurhamGate, however recent developments had been supported outside of DurhamGate. The planning applications under consideration were ready to proceed to development. He also asked about the feasibility of considering Phase 1 and Phase 2 separately.

Councillor Davinson referred to the facilities that were already on the Thinford roundabout which were accessible by foot from Ferryhill and which pedestrians would have to cross the road to visit. Thinford Inn was an eyesore and the highway improvements would be welcomed. His only concern was the lack of details provided in relation to floor space and where the outlets would be located.

Councillor Tinsley appreciated the objections received in relation to the application from Spatial Policy, Economic Development and the Landscape Section, however any application that brought forward jobs should be carefully considered. There was clearly competition between the 2 schemes for operators in the future. Approval of the applications contrary to the Officer's recommendation would require robust and valid reasons. In terms of the sequential test both these sites were out of town and therefore there were no sequentially better locations. DurhamGate was a

strategically important scheme so he would be concerned if the proposed development jeopardised this. The Phase 2 element was on a greenfield site and he queried to what extent DurhamGate was defined as brownfield compared to the greenfield element of the applications under consideration. He also asked to what extent there were extant planning permissions for uses on the DurhamGate site that would be prejudiced.

The Senior Planning Officer responded that DurhamGate was a previously developed site and there was extant planning permission for all uses proposed.

In response to the question from Councillors Clark and Freeman about the feasibility of making a determination on only one application, the Solicitor – Planning and Development advised that a split decision could be made in exceptional circumstances but that this would normally be at the request of the applicant.

J Wallis advised that a decision on both applications was required by the applicant. The road improvements could only be funded if both Phases proceeded to development.

At this point Councillor Davinson left the meeting.

Following a question from Councillor Kay the Senior Planning Officer advised that the Phase 2 application was in outline with all matters reserved except access. The reserved matters would be submitted at a later stage but the principle of the development would not be a consideration.

Councillor Tinsley felt that it was important to draw to the attention of the Committee that, if approved, this application would give permission for the development of huge amounts of space outside DurhamGate. As a result, development that emerged may be haphazard and not of benefit to the area.

Councillor Bleasdale moved and Councillor Lethbridge seconded that the application be approved. DurhamGate was not sequentially preferable to the Thinford Inn site and the proposals would not have an impact on the Town Centres of Ferryhill. The site accorded with the test in paragraph 24 of the NPPF which stated that preference should be given to accessible sites that were well connected to the town centre.

Members were satisfied that the benefits of the development would outweigh the objections to the proposed scheme. With regard to the archaeology issues raised, a geophysical survey of the site should be carried out, the results of which should be submitted to the Local Planning Authority prior to any decision notice being issued, with authority delegated to Officers to consider the content of the report and attach conditions as necessary.

Upon a vote being taken it was **Resolved** that

- i) the application be approved subject to a geophysical survey of the site being carried out and submitted to the Local Planning Authority prior to any decision notice being issued, with delegated authority granted to Planning Officers to consider the report and apply conditions as necessary;
- ii) Planning Officers be granted delegated authority to draft detailed planning conditions.



# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/15/01520/FPA
FULL APPLICATION DESCRIPTION:	Change of use from materials storage area to permit siting of 16 executive holiday lodges
NAME OF APPLICANT:	Evergreen Park Ltd
ADDRESS:	Land adjacent Evergreen Park, Crimdon
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, 03000 261958, barry.gavillet@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site:

1. This application site is situated off the Coast Road in the Crimdon Dene area of the former District of Easington area, just north of Hartlepool. It is not within a settlement boundary and is technically classed as being in the countryside. Evergreen Park is an established rural enterprise which operates as a residential park, the majority of residents on the park are of retirement age and live on site permanently. The area of land to which this application relates is north of the existing park and is a paddock area used for occasional storage of materials but is not part of the same planning unit as the existing caravan park.

### Proposal:

2. This application seeks planning permission for the siting of 16 executive holiday lodges with associated hardstanding's, access roads and landscaping. The lodges would be laid out in accordance with the spacing requirements for holiday sites which would be enforced in the site licence, they would also meet the statutory definition of caravans as stated in the Caravan Sites and Control of Development Act 1960.. It is proposed that the accommodation would be high quality and constructed from timber and green tile effect roofs. It is intended that the lodges would be used for holiday purposes only and not as a permanent residence. The lodges would be served by an existing access which would extend into the proposed development. Each lodge would have an individual parking space alongside it and four visitor parking spaces would be provided near to the western boundary. A dog walking area would be provided to along the eastern boundary along with a refuse collection area. Bat boxes would be installed within the existing WWII air raid shelter which is located to the north eastern corner of the site.
3. This application is being reported to committee at the request of local councillors. **It is being referred back to this committee following deferral at the previous one on 22 September 2015 in order to update the details of representations received.**

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## **PLANNING HISTORY**

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4. Evergreen Park is a well-established caravan and holiday park which has operated since the 1970's. More recently, the 28 static homes on the park have become occupied on a permanent basis by residents who are mostly of retirement age. The use of the site for permanent residential use was established in 2006 when a certificate of lawful use was issued. The owner of the park also lives on the site in a dwelling that was approved in 2009.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. 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;

8. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. *Part 3* – Supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.
10. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

11. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

##### District of Easington Local Plan

14. *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.
15. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
16. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. *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.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

19. 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.

20. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
21. *Policy 28 (Visitor Accommodation)* - All new visitor accommodation or extensions to existing visitor accommodation will be permitted where they are appropriate in scale and character, they do not have an adverse impact on natural or built assets, they are occupied seasonally, there is an identified need and it helps support viability.
22. *Policy 41 (Biodiversity and Geo-diversity)* - New development will not be permitted if significant harm to bio-diversity cannot be avoided, adequately mitigated or as a last resort, compensated for.
23. *Policy 42 (Internationally Designated Sites)* -Development that is likely to impact on designated sites will need to be appropriately assessed and effective mitigation identified.
24. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* – development proposals which are likely to have an adverse effect on Protected and Priority Species and their habitats will not be permitted unless it can be demonstrated that the benefits; significantly and demonstrably outweigh the benefits, make a significant contribution to the management of the site, has demonstrable reasons of over-riding public importance, and provides appropriate mitigation/compensation.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. Northumbrian Water have no comments to make.
26. The Environment Agency have no objections to the proposals.
27. Monk Hesleden Parish Council objects to the application stating that the proposals would lead to highway safety concerns, that there would be increased noise and

disturbance and that there would be drainage problems resulting from the development.

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

28. Tree Officers have no objections.
29. Highways Officers have no objections. They state that the road safety record at the site location is good and the access is safe. Parking provision is also acceptable subject to a condition requiring details of visitor parking.
30. Landscape Officers have no objections subject to a landscaping condition.
31. Drainage Officers confirm that the site is not at risk of flooding.
32. Visit County Durham supports the proposals. They state that the Durham Tourism Management Plan Committee views the proposals as having 'great potential' and have given the project level one status.
33. Ecology Officers confirm that the site contains no notable protected species or habitats and requires some mitigation in relation to nearby protected European Sites.

#### **PUBLIC RESPONSES:**

34. This application has been advertised by way of a press notice, site notices and letters to individual residents.
35. 25 letters of objection have been received from residents from 22 different addresses along with objections from the two local County Councillors. The main areas of concern are that the access to the site is dangerous and the proposals would worsen this highway safety problem, there is also concern regarding the need to increase onsite parking. Residents are further concerned about an increase in noise and disturbance due to additional holidaymakers and state that due to levels there would be a lack of privacy. Other concerns are that the proposals would lead to further surface water flooding and that homes would be devalued. One specific concern was from the adjoining landowner who stated that agricultural activities on their land would lead to complaints from occupiers of the lodges.

9 letters of support have been received from residents who state that the development would be of benefit to the area.

#### **APPLICANTS STATEMENT:**

36. The Applicants were looking to make some visual improvements to the featureless former materials stock working area adjacent to Evergreen Park Residential Park Homes and identified a demand for Holiday Lodges at the higher end of the sector.
37. This was confirmed during protracted consultations with Visit County Durham, who provided information from their County Durham Visitor Accommodation Futures Study which specifically mentions a shortage of Holiday Lodges in the luxury category. We were awarded a level 1 status, the highest rating, for our potential small scale and well thought out proposal.

38. We were able to demonstrate an excellent track record in how we had taken Evergreen Park from a former bottom end caravan site and re-develop it into the well managed, well maintained and high quality residential retirement park it is today.
39. However, from enquiries received from the existing residents of Evergreen Park, it has become clear that few people appreciate the proposed quality and management of the proposed luxury Holiday Lodge project which will be operated and maintained to at least the same high quality as Evergreen Park, along the same lines for instance as Staxton Vale Luxury Lodge Park.
40. The Applicants would also emphasise that as they live immediately closest to the proposed project and certainly will overlook and see more of it than any of the existing residents at Evergreen Park – then the last thing on their mind is to permit anything other than a high quality, attractive and peaceful facility, with strict rules to maintain standards. In fact, it should be noted that proposed residents of Evergreen Park were strictly vetted, with as many as 7 out of 10 rejected as being deemed unsuitable.
41. The Applicants are keen nature and animal lovers and have grasped the opportunity with the proposed development to greatly enhance the bio diversity and habitat for all local wildlife, from a featureless area to an attractive landscaped and planted park, with thought given to such as a long term protected bat home and sanctuary and varieties of planting to support rare song birds and other species.
42. The proposed scheme is in line with National Policy and local Tourism Development. With the greater net disposable income of the envisaged clientele, will not only support local businesses, shops, pubs, restaurants and visitor attractions, but will also create / preserve employment both during the construction phase and thereafter.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on neighbours and the surrounding area, highways issues, Landscape Impact, Ecology and issues arising from consultation responses.

### **Principle of the development**

44. In terms of the principle of the development, the most relevant guidance and policy comes from the saved policies of the District of Easington Local Plan and the National Planning Policy Framework (NPPF).
45. With regard to the District of Easington Local Plan, there are no saved policies which are directly relevant to tourist accommodation. However, saved policies 3, 35 and 36 are relevant. Saved policy 3 of the plan states that no development should be allowed in the countryside (such as the one proposed) unless specifically allowed by other policies. Policy 35 of the plan seeks to protect the amenity of residents and the visual amenity of the area whilst policy 36 relates to highway safety issues.

46. The NPPF has a presumption in favour of sustainable development; planning permission should be granted unless there are material planning considerations that would cause such an adverse impact which would warrant refusal. In addition, saved policies in the local plan should only be given weight if they are in accordance with the NPPF.
47. Part 3 of the NPPF (supporting a prosperous rural economy) is particularly relevant to this proposal. It states that support should be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and development which would respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
48. Given that the residential park related to this application is well established, has support from Visit Durham and that there is an identified need for high quality tourist accommodation in this area, it is considered that although outside of the settlement boundary (as would be expected of such proposals), that although contrary to policy 3 of the local plan, the proposed development would be in accordance with the aims of the NPPF which seeks to promote a prosperous economy, support rural businesses, existing tourist accommodation in rural areas and sustainable development. As such, and notwithstanding other planning considerations such as the impact on neighbours and the visual amenity of the surrounding area and highways issues, it is considered that the principle of the development is acceptable.

### **Impact on neighbours and surrounding area**

49. Policy 35 states that development should 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 adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
50. There is currently an existing residential use on the site, which originally catered for tourists on a short or long stay basis. More recently the accommodation on site has become home to residents on a permanent basis, most of which are of retirement age. The development proposed is also a residential use, albeit the lodges would be occupied on a seasonal basis rather than permanently.
51. It is acknowledged that there is concern from existing residents that the holiday lodges would cause additional noise, disturbance and traffic. It is also acknowledged that the proposed holiday lodges (although also a residential use) would be occupied by seasonal tourists rather than permanent residents which may bring about some additional disturbance. However, given the scale of the development it is not considered that the proposed development would result in such a significant increase in noise, disturbance or traffic which would warrant refusal of planning permission. In coming to this conclusion, the nature of the proposed lodges which would be marketed toward families and would be 'executive' type accommodation has also been taken into account. It is therefore considered that the benefits of the proposal would outweigh any minimal impact on existing residents and that the proposal would be in accordance with saved policy 35 of the District of Easington Local Plan and the aims of the NPPF.

### **Highways issues**

52. Saved policy 36 of the District of Easington Local Plan relates to highway safety issues. It states that To ensure good access and to encourage alternative means of

travel to the private car, the design and layout of development will be required to provide safe and adequate access capable of serving the amount and nature of traffic to be generated. In addition to policy 36 of the Local Plan, part 4 of the NPPF (Promoting Sustainable Transport) is also relevant. Importantly it states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

53. Highways officers have been consulted as part of the proposals and have stated that the access into the site off the A1086 Coast Road does not have the benefit of a protected right turn lane. However, the history of Road Traffic Collisions on the A1086 Coast Road at this location is good. There have only been 2 road traffic collisions in just over 5 years at this location, and involved motor vehicles associated with turning manoeuvres linked to the road junction on the opposite side of the road to Evergreen Park. On this basis the Evergreen Park access arrangements would be described as being safe. The Evergreen Park egress onto the A1086 Coast Road is located on a de-restricted 60mph and accommodates the necessary 2.4 x 215 metres junction sight visibility splays in both directions, which supports the view that the egress would be safe.
54. There is adequate northbound public transport provision within 160 metres of the site egress onto the A1086 Coast Road, with the southbound public transport provision being even closer despite being on the opposite side of the main road.
55. The proposed holiday lodges would be required to provide a minimum of 5 no. visitor car parking spaces on-site to comply with the County Durham Parking and Accessibility Standards 2014, this would be secured by way of an appropriate planning condition.
56. In view of the above there would be not appear to be any reasons for highways officers to object to these proposals. In addition, the residual cumulative impacts of development would not be severe and therefore would accord with part 4 of the NPPF.

### **Landscape Impact**

57. The saved Easington Local Plan seeks to protect landscape character (Policy 1) and provide adequate open space, landscape features and screening (Policy 35).
58. The proposed development will have limited visual impact, being at some distance from nearby paths, and well screened from the Coast Road by a tree belt. Within the scheme itself there is opportunity for provision of additional planting to contribute towards the landscape setting.
59. Subject to the inclusion of an appropriate landscaping scheme, for which a condition is suggested, the proposal is considered to have an acceptable landscape impact in accordance with policies 1 and 35 of the Easington District Local Plan

### **Ecology**

60. Whilst it is noted that the site itself is generally of low value, development of the site does have the potential to have an impact on nearby European Sites.
61. Policy 18 of the Easington Plan seeks to protect species and habitats and Policies 41, 42 and 43 of the County Durham similarly protect sites and ensure appropriate mitigation. These policies in the County Durham Plan were not found to be unsound by the Inspector and can therefore be afforded limited weight.



62. This proposal has been the subject of consideration and a Habitats Regulations Assessment by Ecology officers. The conclusion is that there will not be a direct impact on European protected sites but that there is potential without mitigation to indirectly affect little tern breeding through disturbance or displacement.
63. Mitigation is proposed by way of a dog exercise area within the site, interpretation boards and information within holiday rental agreements. Subject to some additional details which can be considered via condition, the project is considered to be acceptable in terms of its relationship with habitats, species and protected sites and therefore compliant with Policies 18 of the Easington Local Plan and Policies 41, 42 and 43 of the County Durham Plan.

### **Other issues and consultation responses**

64. In response to the public consultation a total of 25 objections have been received along with 9 letters of support. As stated earlier in the report, the main areas of concern are that the access to the site is dangerous and the proposals would worsen this highway safety problem, there is also concern regarding the need to increase onsite parking. Residents are further concerned about an increase in noise and disturbance due to additional holidaymakers and state that due to levels there would be a lack of privacy. Other concerns are that the proposals would lead to further surface water flooding and that homes would be devalued.
65. All of the above issues been covered in the report and are not considered to have any significant adverse impacts that with or without mitigation, would warrant refusal of planning permission. In particular, issues relating to highways and the impact on existing residents are not considered to result in a significant adverse impact that would warrant refusal of planning permission. Other concerns raised relating to flooding have been fully assessed by both Northumbrian Water and the Highways Agency, neither of which have objected to the proposals. With regard to the agricultural activities taking place on the adjoining land, it is considered that the occupiers of the lodges would be on site on a short term basis and are likely to be aware of possible agricultural activity taking place in such a countryside location. The issue of existing homes being devalued is not a material planning consideration.
66. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts, are not considered to outweigh the benefits of the development and give rise to grounds for refusal.

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## **CONCLUSION**

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67. In conclusion, it is considered by officers that although the proposals are in conflict with policy 3 of the local plan, they are in accordance with the NPPF which seeks to promote a prosperous economy, support rural businesses, existing tourist accommodation in rural areas and sustainable development and are therefore acceptable in principle. The development would lead to additional, high quality tourist accommodation in a location which has an identified need for such development and which has the support from Visit County Durham. It is acknowledged that there is some concern from existing residents on the park, however it is considered that residential accommodation is well established on this site and that the development proposed would bring about both economic and tourism benefits to the area. In

addition, the occupation of the lodges would be seasonal and controlled by planning conditions.

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## RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Proposed site plan dated Feb 14, sheet 10, Project no. 306, Rev A

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

3. No development shall commence until an updated mitigation strategy has been submitted to an approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Appraisal by Quants Environmental Ltd, dated October 2014 as updated by the approved updated mitigation strategy.

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

4. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following occupation of the first caravan and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason:* In order to protect the visual amenity of the area in accordance with the objectives of saved Policy 35 of the Easington District Local Plan and part 7 of the NPPF.

5. The lodges hereby approved shall be occupied for holiday purposes only.

*Reason:* to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation.

6. The lodges shall not be occupied as a person's sole, or main place of residence.

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation*

7. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority. The register shall normally be collected by the caravan site licence holder or his/her nominated person.

*Reason: to ensure that approved holiday accommodation is not used for permanent residential occupation and in order to meet the need for holiday accommodation*

8. Not more than 16 holiday lodges shall be stationed on the site.

*Reason: To determine the scope of this permission in the interests of visual amenity. In accordance with Policy 1 of the Easington District Local Plan 2001*

9. The caravans hereby approved shall comply with the definition of caravans as stated in the Caravan Sites and Control of Development Act 1960.

*Reason: In order to protect the visual amenity of the area in accordance with the objectives of saved Policy 35 of the Easington District Local Plan and part 7 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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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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**Comments**

**Date** September 2015

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/02021/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of existing two storey end-terrace house and construction of two student flats.</b>
<b>NAME OF APPLICANT:</b>	<b>Gilesgate Properties Ltd</b>
<b>ADDRESS:</b>	<b>60B &amp; C Claypath, Durham, DH1 1QS</b>
<b>ELECTORAL DIVISION:</b>	<b>Elvet and Gilesgate</b>
<b>CASE OFFICER:</b>	<b>Laura Eden laura.eden@durham.gov.uk 03000 263980</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to an unlisted building within the Durham City Conservation Area. No. 60 Claypath is located on the north side of Claypath which forms a historic route-way to the Market Place. The street has developed and evolved over time however is regarded as important containing a number of listed buildings and other non-designated heritage assets. The street is predominantly Georgian in character. The lower portion of the street is commercial in nature linking into the Market Place whereas further eastwards it is predominantly residential. No. 60 is quite distinctive in that the building goes against the historic grain running at a right angle to no.59 and accessed through a gap within what is otherwise a continuous built up street frontage.
2. The building (no. 60, 60A, B & C) is of some historic interest. The properties comprise of a single three-storey block with a hip ended roof, rendered frontage with various renewed doors and windows many of which are UPVC. The precise age is difficult to establish from the historic maps. Despite the group of buildings having some historic value, the modifications made to them over time have significantly compromised the historic character and appearance resulting in the group making a neutral contribution to the designated conservation area. Overall, the wider site is somewhat of an eyesore due to the long-term vacant status of the end part of the main building, the physical scarring as a result of a previous demolition, and the poor quality surfacing and boundary treatments etc.

### The Proposal

3. The application seeks full planning permission for the demolition of 60C Claypath to be replaced by a new side extension comprising a mixture of two and single storey elements to accommodate a five bedroomed HMO. The overall footprint of this aspect of the development would be 8.4m wide by 5.6m deep. The maximum height of the new build would be 7.6m the same height as the existing eaves height of the

original building. The roof would have a hipped roof arrangement and the overall height of the extension would reduce down gradually to 3m some 6m from the northern boundary. New window openings would be created in the east and west elevations.

4. The second element of the proposal is for a new build three bedroomed flat with the intention that it would be occupied as a student let. The one and half storey wing with dormer windows to the frontage would be positioned perpendicular to the main terrace. The building would measure 9m wide by 5.7m deep. It would have an overall height of 6.6m and 4m to the eaves. New window openings would be created in both the north and south elevations.
5. The access road to the development would be upgraded to adoptable standard however the cobble setts at the crossover and to the south of the site would be retained. To the east and north of the site the amenity areas would be grass seeded.
6. The application is referred to committee at the request of County Councillor Freeman.

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## **PLANNING HISTORY**

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7. 4/12/00249/FPA Erection of fire escape to rear of property Approved 25th May 2012
8. 4/13/00570/FPA Demolition of existing two storey end-terrace house and construction of development providing accommodation for two three-bedroom student flats withdrawn
9. 4/13/00571/CAC Demolition of existing two storey end-terrace house and construction of two three-bedroom student flats withdrawn

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

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

14. 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
15. 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
16. 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
17. 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
18. 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.
19. 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.
20. Part 12 - Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

## **LOCAL PLAN POLICY**

### City of Durham Local Plan

21. Policy E6 (Durham City Conservation Area) Sets out the Councils aim to preserve the especial character, appearance and setting of the Durham City Conservation Area by ensuring a high quality design
22. Saved Policy E11 - Safeguarding sites of Nature Conservation Interest - Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

23. Policy E22 (Conservation Areas) Sets out that the Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials, where appropriate reflecting existing Architectural features.
24. Policy H9 - (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.
25. Policy H13 – Residential Areas - Impact upon Character and Amenity states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
26. Policy Q1 (Design) Sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
27. Policy Q8 – Layout and Design - Residential Development sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimized.
28. 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.
29. Policy T1 (General Transport Policy) Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties
30. Policy T10 – Parking - General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

31. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.



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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

32. Northumbrian Water Limited – Note that a public sewer crosses the site therefore the developer should note this.

### **INTERNAL CONSULTEE RESPONSES:**

33. Archeology - No comments received
34. Design and Historic Environment – Proposal supported to aid the regeneration of the vacant and unsightly site which is visible from one of the key historic streets within the conservation area. Suggested improvements have been successfully incorporated into the scheme.
35. Landscape Section – No objection
36. Ecology – No objection received provided a condition is imposed regarding bat mitigation measures being observed as detailed in the bat survey
37. Environmental Health – No objection subject to conditions relating to construction hours and practices.
38. Contaminated Land – No requirement for a contaminated land condition
39. Highways – The site lies within the Durham City Controlled Parking Zone. No objection to the scheme which has been amended as per their request.
40. Planning Policy – The proposal is considered to be acceptable in terms of the surrounding site context and the improvements it would bring to the conservation area through the redevelopment of the site.

### **PUBLIC RESPONSES:**

41. The application has been publicised by way of a press and site notice in addition to individual notification letters to neighbouring residents. One letter has been received from Cllr Freeman requesting that the application is referred to committee due to overshadowing concerns regarding an adjacent property. Two letters of representation have been received from the City of Durham Trust agreeing with the comments issued by the Council's design and conservation officer. One letter has also been received from a neighbouring property not objecting to the development however querying the impact the development will have on her rights of access across the land. Cllr Ormerod and three local residents have written letters of representation objecting to the development on the grounds of:
  - It will be used as a HMO
  - Overshadowing
  - Overbearing impact/change in land levels

- Overlooking/loss of privacy
- Noise and disturbance
- Loss of view
- Highways issues through lack of car parking
- Building Regulation implications/increased heating bills
- Rights of access

**APPLICANTS STATEMENT:**

42. The site is located in the conservation area of Claypath.
43. It was formerly occupied by a garage block (which was demolished due to its dangerous and dilapidated condition), together with the properties of 60B and 60C Claypath.
44. The re-development aims to create an attractive scheme to regenerate this part of the Conservation Area.
45. The new built accommodation occupies a slightly larger footprint than the former garages and is located at right angles to it as the garages were located closer to the rear boundary than the current proposal. This new building is 1 ½ storey and has been located and designed to minimise its impact.
46. The rebuilding of 60C Claypath is proposed to be on the existing footprint of the former and to the same 2 storey height. The existing property of 60B is proposed to be refurbished and integrated into the overall scheme development.
47. The placement and scale of the proposed development has been carefully arrived at following a thorough and extensive consultation process with Durham County Council's Planning and Conservation team since June 2012.
48. Many revised schemes and amendments have been made during this process to ensure that the proposals meet the requirements of the current planning policies and in a manner which satisfies the Planning, Conservation and Highways officers.
49. Investigations and reports have been prepared alongside the designs to ensure compliance.
50. In In doing so, we believe we have worked fully with the council to produce a high quality scheme for the conservation area with a design suitable and acceptable for the site.

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

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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51. 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.
52. The main considerations in regard to this application are the principle of the development, effect on the character and appearance of the conservation area, residential amenity, highway safety and ecology.

### Principle of Development

53. The application site is located within the settlement limits for Durham City, as defined by the Durham City Local Plan Proposals Map.
54. The NPPF promotes the use of previously developed land in sustainable locations. This is a previously developed site, and therefore the proposal is in accordance with national and local policy in this regard.
55. 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 of the Durham City Centre 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.
56. In addition to sustainability objectives, the NPPF sets out that development should provide a range of housing types and sizes responding to the needs of all members of the community, including ensuring that there is a mix and range of housing available for different members of the community. Objections around this issue have been raised, concerned that the new dwellings would be occupied by students. Objectors consider that this would have a cumulative adverse impact given the amount of other student accommodation which is considered to negatively impact on the amenities of residents and reduces the availability of family housing. It is indeed the applicant's intention to use these dwellings as student lets.
57. Saved Policy H9 of the Local Plan seeks to address this issue aiming to restrict concentrations of student households to preserve the range and variety of local housing stock and to ensure that a particular type of housing is not reduced to an unacceptable extent. Policy H13 also seeks to protect the character of residential areas.
58. The fourth criterion of Policy H9 relates to the level of concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock. Not all sub-divided properties are occupied by students but the data on student occupation is more readily available. The Council has detailed information on student concentrations available which comprises information by postcode area on the properties that are exempt from Council Tax as they are occupied by students. Analysis of the information shows that the postcode where the site falls has 39% student exempt properties. Areas to the north-west, west and south of the site are generally significantly higher however and conversely the other surrounding areas to the north and east are generally lower. Analysis of this information shows the post code areas surrounding the proposal site comprise between 29% and 65% student exemption properties. As the postcode where the site falls has 39% student exempt

properties it is considered that in the context of other parts of the City then these percentages are generally considered to be moderate.

59. The Council has proposed an Interim Policy on HMOs, Student Accommodation and Purpose Built Student Accommodation. This was approved for public consultation by Cabinet on 15 July 2015. Interim policies have less weight than the adopted Local Plan policies which are consistent with the current national policy framework, because they haven't been subject to examination by an inspector. The Interim Policy says that applications for new build HMOs and changes of use will not be permitted if more than 10% of the total numbers of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from council tax charges. Under the interim policy it is likely that the proposed development would not be acceptable however assessed under policy H9 the moderate level of concentration would mean it could be considered to be acceptable. Greater weight would need to be attributed to the local plan policy given the interim policy is yet to be formally adopted.

60. From a national perspective, although there is no specific reference to HMOs or student accommodation paragraph 50 of the NPPF considers the need to create sustainable, inclusive and mixed communities. In light of the relatively moderate levels of student concentration numbers in the surrounding area it is not considered that this proposal would be contrary to the aims and intentions of the NPPF.

61. Overall it is considered that the proposed development is located in a sustainable location and would not impact on the range of housing available within the wider area in accordance with policy H9 and paragraph 50 of the NPPF. The dwellings would represent development on a brownfield site within the settlement limits in compliance with saved policy H2. The proposal is also consistent with the more up to date policy contained within NPPF which adopts a presumption in favour of sustainable development.

#### Impact upon the Conservation Area and street scene

62. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.

63. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials. Policy E22 advises permission will not be granted for demolition of buildings which contribute to the conservation area's character.

64. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

65. Saved Policies H9, H13 and Q8 of the local plan are also considered to be relevant and relate to the character of residential areas and the layout and design of residential development including houses in multiple occupation.

66. Only 60C is proposed for demolition. Given its current condition it is considered that it is of limited historic value and no architectural merit. It appears that this was a later addition to the main block of no.60 Claypath. There is physical scarring to the building as a result of the past removal of a single storey extension. The building appears to have been disused for a number of years and consequently is in deteriorating condition. As such there is no desire to seek the retention and restoration of the end building therefore its total loss would not have a detrimental impact on the conservation area. The other building proposed for demolition would be a modern storage shed to which no objection is also raised. Although demolition is proposed within the conservation area neither building is considered to be of significance therefore their loss would be in compliance with both policy E22 and part 12 of the NPPF. Their loss would have the added benefit of making regeneration of the site possible.
67. The physical scarring to the existing end building and historic map regression suggest that the land to the front of the property contained a structure previously. The proposal seeks to add a further dwelling in a similar location. The new building is considered to be acceptable in its general scale and form. The redeveloped 60C is considered to be subservient in nature with the ridge and eaves heights stepping down from the main three storey host block. It connects to the new property through an open archway and the overall approach generates a hierarchy of forms which help to successfully integrate the existing building and the proposed extensions. The footprint is representative of the historic built form on this part of the site and the new property to the east of the site would form a focal point when looking into the site from Claypath. It is also appropriate that the bin storage area is to be located to the rear out of view within the rear garden curtilage areas
68. The new dwelling has a mews type aesthetic which gives rise to an ancillary style of building. The elevational treatment is simplistic and it pays some reference to the general character of Claypath via the gabled form with steep roof pitches, traditional dormers, vertical windows and materials. During the application process the agent has amended the design to the requirements of colleagues in specialist services to improve the final quality and aesthetics of the scheme. As such they have no hesitation in offering heritage and design support of the amended plans. Overall it would represent a vast improvement on the current situation leading to an overall enhancement of the conservation area in line with both policy E6 and E22 and part 12 of the NPPF.
69. The overall site arrangements would be acceptable. It is proposed that both properties would benefit from enclosed rear garden areas. Given the surfacing to the front of the properties it is not considered that a landscaping scheme would be necessary in this instance.

#### Residential Amenity

70. Policies H9, H10 and Q8 of the Local Plan require schemes associated with residential developments and HMO's to give consideration to the privacy and amenity of neighbouring residents. Section 7 of the NPPF seeks to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings.
71. The supporting text associated with Policy Q8 of the local plan recommends that new houses should be laid out and designed to ensure the privacy of the occupants and prevent overlooking. It recommends that distance standards are 21 metres between opposing elevations containing windows, 13 metres between window and blank two-storey gable situations and 6 metres between window to blank single-storey gables. These guidance standards are intended for new housing estates rather than historic

street layouts therefore a proportionate approach needs to be taken assessing each case on its merits, while using these standards as a basis for consideration.

72. Given the historic layout of the properties within this area properties are quite unusually situated at right angles to one another therefore there is already a degree of overlooking. The proposed development seeks to replicate this layout by creating a new unit which would run perpendicular to the redeveloped 60C Claypath which in the circumstances is considered to be acceptable. This new wing would be set back 16m from the main rear elevation of no.59 Claypath and 13.5m from the ground floor extension. Given these opposing elevations would benefit from window insertions these distances fall short of those recommended through policy Q8. Although it could be argued that this would result in a loss of privacy and overlooking, in light of the current situation it is not considered that this would be a reasonable or justified standpoint to take. Given the one and half storey design it is not considered that it would represent an overbearing form of development to this neighbour.
73. To the north of the site is an existing residential property, 2 Hillcrest. Due to a sharp change in land levels the property is two-storey to the front however only single-storey to the rear. There is also a difference in site levels between this property and the application site. The most important distance for comparison would be the difference in site levels between the rear elevation of the new mews style building and the closest rear build line of their property. Over this 14 m distance the land level only increases by 1 metre towards the proposal.
74. In terms of separation distances the local plan specifies that the distance between new buildings should be 13 metres between window to blank two storey gable. The neighbour has made reference to the fact that the opposing elevation of the new mews building would not be a gable, rather a rear elevation. Although this opposing elevation is not a gable in the true sense of the word it does have the same characteristics of one having no window openings at first floor level with the exception of one roof light. The roof design proposed slopes upward away from the neighbour whereas a true gable end could have the potential to be more dominant and imposing. The separation distances are at worst case 14m rising to 17m in others therefore it is considered that the intentions of the policy are achieved. A condition is suggested to restrict any further window openings to this particular elevation.
75. The new property is proposed to be one and a half storey in height and the roof slope would rise away from the neighbour. Given the overall design, that separation distances are considered to be achieved and the minimal land level increases it is not considered that this would create an overbearing situation. The width of the new building would be 7.9m with a first floor link to adjoin it to the redeveloped 60C site. The new build would be viewed largely against the backdrop of existing development at no.59 which fronts on to Claypath. There would still be a break in the built form between the development and no.61 Claypath. No.2 Hillcrest doesn't face true south and is orientated in a slightly more easterly direction. On this basis it would not be directly opposite the new development which is considered to help lessen its impact.
76. In terms of the scale and massing of the reconstructed 60C building it largely reflects the scale and proportions of the original building with a single storey side extension. From the perspective of 2 Hillcrest it would be viewed against the backdrop of the remainder of 60 Claypath and it is unlikely that it would have any significant impact on their amenity. Privacy distances are achieved.
77. Overshadowing is similarly not considered to be a concern due to the aforementioned reasons. Furthermore, the submitted plans demonstrate that there would be no

development within a 45 degree angle of the neighbour's window at Hillcrest apart from the very tip of the two-storey hipped roof slope associated with the rebuilding of 60C.

78. Neighbours have also cited concerns regarding the potential for noise and disturbance to arise given the likely end users of the properties. Although they consider that students will be more noisy and disruptive compared to other tenants it would be unreasonable to prohibit development on this basis of a perceived impact. Unreasonable levels of noise and disturbance would be a matter for the police and cannot be controlled through the planning system

#### Highways

79. Following detailed discussions between the Agent, Case Officer and Highways Officer, it is considered the Agent acting on behalf of the Applicant has submitted revised drawings to ensure this application may be looked upon favourably.
80. Parking in this part of the city is considered to be satisfactorily controlled as this street falls within the Durham City Controlled Parking Zone (CPZ). Given the location of the development within the city centre there are no requirements placed on new dwellings to provide any in curtilage parking however these properties would not be eligible to apply for parking permits.
81. The proposed development is in a city centre location accessible by all means of sustainable transport. It is noted that the intention is to demolish an existing residential building therefore any new trips from the development could potentially be offset against extant trips, such that it is not considered that the proposal would have a significant impact on trip generation.
82. On site turning and manoeuvring for LGV's and servicing vehicles must be available to allow a vehicle to access, turn and leave in a forward direction however this would not be possible if the three onsite parking bays that were proposed as part of the initial scheme were provided. As such the spaces have been removed from the scheme to allow the creation of a turning area which has addressed the highways officer's concerns. As previously discussed the lack of onsite car parking is not considered to be a concern given the city centre location.
83. The carriageway and footway areas within the site are un-adopted and in an extremely poor state of repair. The proposal seeks to bring these areas up to an adoptable standard through repaving the area which is welcomed by highway officers. Furthermore, it is noted that refuse bins would be stored to the rear of the development. Refuse will be stored to the rear of the site in designated bin storage areas. The highways officer comments that refuse will be collected from Claypath and any storage provision must be within 25m of the highway boundary however has not raised a formal objection to its location rather suggested it may be necessary to establish an access point nearer to the access of the development. The location of the bin storage is around 7m in excess of this distance therefore not excessively over the recommended level. Given that the current storage location can be easily accessed by the properties and it is well screened within the garden curtilages, counteracted by the fact that any reposition is likely to be prominent through the gap in the street frontage, it is not considered that this matter alone would amount to reasons sufficient to refuse the application.

#### Ecology

84. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on

biodiversity interests. The applicant has submitted a bat survey report and assessed the potential impacts of the development on protected species.

85. The Ecology Section has reviewed the report and considers that the risk to protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 subject to implementing the proposed mitigation strategy.

#### Other Issues

86. The site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
87. Northumbrian Water note that a public sewer crosses the site that may affect the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and therefore will be contacting the developer direct to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. A standard informative would be added to any planning permission granted to this effect.
88. The Contaminated Land Officer has assessed the available information and historical maps and has confirmed there is no requirement for a land contamination condition.
89. Given the specific site circumstances it is not considered that a landscaping scheme would be appropriate for this site being set back from the main street, hard surfaced to the front of the property and rear amenity areas screened by 1.8m high close boarded timber fencing. For this reason it is not considered necessary to impose a condition on this occasion. Furthermore, the landscape officer has not raised any objection to the scheme.
90. An informative is proposed to advise the Applicant of their responsibility in respect of noise, dust and construction hours.
91. The majority of the concerns raised by the local residents and councillors have been addressed elsewhere in this report. Matters relating to the loss of a view, building regulation requirements and an increase in heating bills to adjacent properties are not material planning considerations.

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## **CONCLUSION**

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92. 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 a significant adverse impact to residential and visual amenity in addition to highway safety. The redevelopment of the site would have significant benefits in terms of the enhancement of the conservation area. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework and saved Policies of the current Local Plan.

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## **RECOMMENDATION**

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



1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved documents. Application form, structural survey by BDN, Bat Survey prepared by Dendra dated 23/06/2015, design and access statement and heritage statement received 29/06/2015, Sheet Number SU-05 Rev. A (Location plan) received 16/07/2015, Sheet Number SK-101 Rev. B., Sheet Number SK-102 Rev. C and Sheet Number SK-105 received 01/09/2015, Sheet Number SK-100 Rev. C received 25/09/2015.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies E6, E22, H2, H9, H13, Q8, T1 and T10 of the City of Durham Local Plan
3. Notwithstanding any details of materials submitted with the application no development shall commence until a full schedule of materials including external walling and roofing materials, external joinery details and rainwater goods 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 E6, E22, H2, H9, H13 and Q8 of the City of Durham Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The windows and rooflights shall be installed in accordance with the approved details.  
Reason: In the interests of the appearance of the area and to comply with saved Policies E6, E22, H2, H9, H13 and Q8 of the City of Durham Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed at first floor level in the north elevation of the 1.5 storey building.  
Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of residential amenity in accordance with saved Policies H2, H9, H13 and Q8 of the City of Durham Local Plan.
6. No development shall take place unless in accordance with the mitigation detailed within section E of the Bat Risk Assessment compiled by Dendra, Dated 23 June 2015.  
Reason: To conserve protected species and their habitat in accordance with saved Policy E11 of the City of Durham Local Plan and Part 11 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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

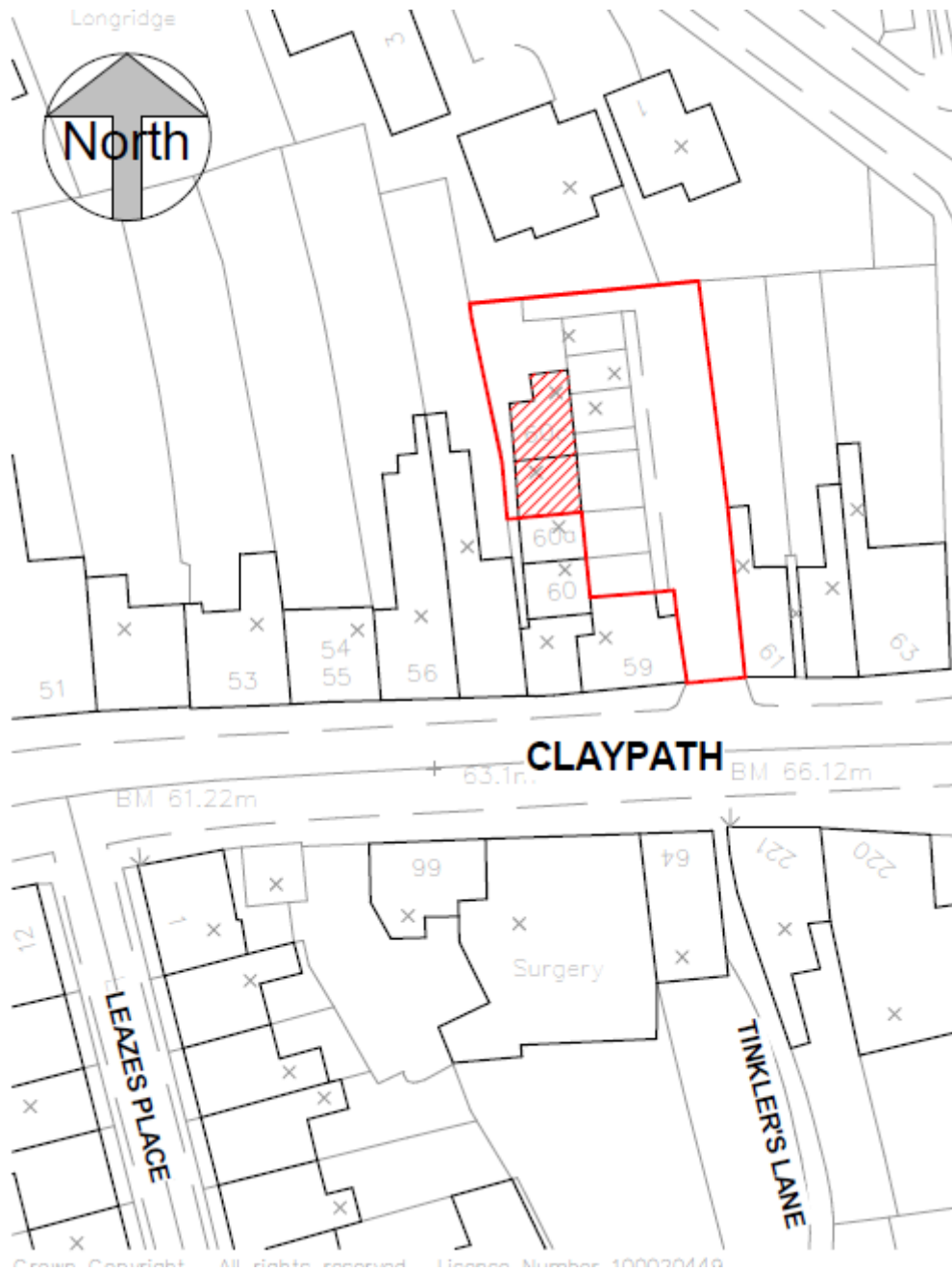
manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Drawings
- National Planning Policy Framework
- City of Durham Local Plan 2004
- Emerging County Durham Plan
- Consultation Responses



**Planning Services**

**Demolition of existing two storey end-terrace house and construction of two student flats.  
60 B and C Claypath, Durham, DH1 1QS**

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**Comments**

**Date. 13 October 2015**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/02154/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of use, partial demolition and rebuild/extension of public house to provide 13 residential units</b>
<b>NAME OF APPLICANT:</b>	<b>Michael Lavender Ltd</b>
<b>ADDRESS:</b>	<b>Shoulder of Mutton, Low Row, Easington, Peterlee, SR8 3AU</b>
<b>ELECTORAL DIVISION:</b>	<b>Easington</b>
<b>CASE OFFICER:</b>	<b>Laura Eden laura.eden@durham.gov.uk 03000 263980</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located within the settlement limits for Easington within a designated conservation area. The surrounding area is mixed use in character comprising of predominantly residential properties however there are some commercial developments and areas of public realm.
2. To the north of the site lies an attached residential property, to the east and south is a modern residential development and to the west lies the village green.
3. The application site itself is a former public house. It is a late Victorian building of some historic and architectural character and although it is not listed it is considered to be a non-designated heritage asset. The pub is now vacant.

### The Proposal

4. The application seeks full planning permission for the conversion and extension of the former public house into thirteen one, two and three bedroom flats. The existing shell of the public house would remain including the existing materials and windows however the coach house to the rear would be demolished.
5. The proposals include the erection of a two and a half storey side extension filling in the gap at the frontage between the former public house and the adjacent neighbouring property at 11 Brampton Court. It would be set back slightly from the existing frontage and would have a marginally lower ridge height. Within the extension an archway would be created leading to a rear car parking area accommodating nineteen spaces and two small amenity areas.

6. The building would also be extended to the rear in a variety of three and single storey extensions. Materials and openings would replicate the existing character and design.
7. The application is reported to the Planning Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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8. An application (DM/15/00960/PND) for the prior notification of the demolition of the building was received earlier this year however was subsequently withdrawn prior to determination.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
11. 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
12. The following elements of the NPPF are considered relevant to this proposal
13. 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
14. 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
15. Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning
16. Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

17. 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.
18. Part 12 - Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

## **LOCAL PLAN POLICY**

### Easington Local Plan

19. 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.
20. Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.
21. 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.
22. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
24. Policy 96 - Outside of Seaham and Peterlee, conversion or redevelopment resulting in the loss of a community facility will only be allowed where the facility is no longer viable, there is no significant demand, or equivalent facilities are accessible and available or would be made available.

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

25. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

### **INTERNAL CONSULTEE RESPONSES:**

27. Archaeology – No objection to the proposal

28. Design and Conservation – Welcomes the retention of the building and overall design which has been amended as per their recommendations.

29. Landscape – Remain unconvinced of the long term chances of survival for the proposed tree

30. Drainage – Raise no objections however further details required to confirm suitability of design

31. Ecology – No objection and recommends a standard bat informative

32. Environmental Health – No objection to the development subject to the imposition of conditions

33. Contaminated Land – No requirement for a contaminated land condition

34. Highways – No objection to the scheme subject to the imposition of a condition requiring the now redundant cellar hatch and an informative regarding the relocation of the vehicular access crossing. Notes that the access to the site is through third party ownership.

35. Sustainable Development – The sustainability statement submitted summarises the proposed approach to energy conservation. The applicant hasn't submitted a design stage SAP assessment however this can be dealt with by means of condition.

### **PUBLIC RESPONSES:**

36. The application has been publicised by way of a press notice and site notice in addition to individual notification letters to neighbouring residents. A letter has been received from the Parish Council neither supporting nor objecting to the proposed development. They have advised that the area of land to the front of the development is within their ownership and that they will liaise with the developer in



this regard. Two letters of objection have been received from local residents raising concerns relating to:

- The principle of development
- Overlooking
- Overshadowing
- Overbearing
- Loss of view
- Property devaluation

**APPLICANTS STATEMENT:**

37. We are applying for planning permission to convert and extend the Shoulder Of Mutton Public house into 13 residential units with associated parking in the rear courtyard which is accessed through a passageway under the new extension.
38. The Shoulder of Mutton was empty for 23 months and on the market to be sold for a majority of that period clearly demonstrating there was no interest in taking on the property to maintain it as a public house within the area.
39. It is our intention to future proof the original characterful building by retaining this building and extending, whistle changing its use to residential to enhance the conservation area.
40. The building extension is subservient to the original form as it has a lower ridge height and is slightly set back from the pavement, the character of the original building is retained in the extension by copying key features in the new section from the old, i.e. the original dormer window has been copied in the new build section along with some key window surrounds.
41. Extending the building along the street scene fills in the unsightly gap currently in existence rather than going rearwards and building closer to a number of resident's to the rear of the site.
42. Parking has been provided for in the rear courtyard in the same area that was used as parking for the public house so the local residents have minimal change to adjust to, with adequate visitor spaces in accordance with highways policy requirements.
43. Overall we feel that this application provides a positive addition to the conservation area and green by completing the street scene and retaining the original building rather than replacing it, therefore we ask the committee to support their planning officers recommendation for approval of this proposal.

*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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRFC0HGDLGS00>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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44. 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.
45. The main considerations in regard to this application are the principle of the development, effect on the character and appearance of the conservation area, residential amenity and highway safety.

### Principle of Development

46. The application site is located within the settlement limits for Easington, as defined by the Easington Local Plan Proposals Map.
47. The NPPF promotes the use of previously developed land in sustainable locations. This is a previously developed site, and therefore the proposal is in accordance with national and local policy in this regard.
48. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of 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. The NPPF applies a presumption in favour of sustainable development which this proposal is considered to represent.
49. Both part 12 of the NPPF and policy 22 of the Local Plan advocate a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of the heritage asset which in this case would be the non-designated heritage asset situated within the conservation area. The development relates to the conversion of an existing building with only minor demolition proposed therefore in principle is considered to meet these aims and objectives.
50. The proposal would result in the loss of a community facility through the conversion of the public house. Policy 96 of the local plan states that permission for the development of a proposal which would result in the loss of an existing community facility will not be granted unless it can be demonstrated that either the facility is no longer financially viable; or there is no significant local demand for the facility; or an equivalent facility is available to meet the local need.
51. The property is currently vacant and there has been a letting board advertising the opportunity to lease the pub however this hasn't generated any interest. There are several other drinking establishments in the surrounding area most notably the Southside Social Club some 60 metres away therefore there is considered to be sufficient provision to meet the local need. The proposal therefore satisfies the requirements of policy 96 in terms of justifying the loss of a community facility.
52. Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of onsite play space provision, equating to a total of

£6500 based on £500 per dwelling. The secured finance would be used to improve existing play space within the Easington Electoral Division. The applicant has agreed to enter into such an agreement.

### Residential Amenity

53. 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.
54. 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 comfortably achieved between the proposed flats and opposing properties to the east of the site with distances in excess of 30 metres. One neighbouring property is concerned that the upper floor windows of the development could look into his garden. It is accepted that this would be the case however the situation already occurs given his house is currently attached to another property. As a result it is not considered that the proposal would have additional privacy impacts such as to give rise to any significantly increased adverse impact to residential amenity that would justify refusal of planning permission.
55. With regards to the properties situated to the east of the development it is not considered that overshadowing would be an issue for concern given the separation distances. The adjacent property of 11 Brampton Court is situated south of the development site consequently any overshadowing would be minimal given the relative positions of the two developments, and would be limited to the latter part of the day therefore would not give rise to any significant loss of amenity.
56. The public house is proposed to benefit from a two and a half storey side extension which would be higher than the adjacent property. The difference in height would be in the region of four metres however its overall dominance would be limited given the pitched roof design. The extension would project an additional metre past the established front and rear build lines of the adjacent neighbour at no.11, but there would be gap between the two properties of around 1.7 metres. On this basis, it is not considered that they would have any views of the development from within their internal living areas. The development would be most prominent from within their rear garden however given the existing layout of surrounding developments it is not considered that the proposals would give rise to any significant issues of overbearing impact.
57. Whilst the concerns of residents are appreciated and duly noted it is not considered that the proposal would cause overshadowing, overlooking nor would issues of overbearing impact occur to an extent that would justify refusal of the current application.
58. Environmental health officers have been consulted on the scheme. The proposed dwellings are located away from any significant external noise source and in themselves are unlikely to impact on the nearest existing dwellings in this regard given the plant room will not house any potential noise sources. The intention however is to subdivide the building into individual flats therefore noise insulation between each unit needs to be considered. Best practice would be to stack like uses above and adjacent to one another to reduce the conflict of use such as kitchen next to kitchen and so forth. Due to the constraints of the existing building this has not

been possible in this instance and as a result it is possible that the minimum sound proofing insulation required via building regulations will be insufficient to protect against sound transferral. It is therefore recommended that a condition is imposed in relation to submitting and agreeing a scheme for sound proofing.

### Impact on the Conservation Area and Street Scene

59. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Easington Village Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
60. At a local level Policy 22 of the Easington Local Plan is relevant. This policy states that the Council will seek to preserve or enhance the character, appearance or setting of conservation areas by not allowing development that would detract from these aims and by only allowing appropriate development in terms of its siting, scale and appearance. It also seeks to retain important buildings and landscape features which positively contribute to the character and appearance of the area.
61. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
62. Saved policy 35 of the local plan is also considered relevant which 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.
63. In compliance with both the NPPF and policy 22 of the local plan it is welcomed that this prominent building within the conservation area is being retained. Externally a number of original details of the building will be retained such as timber bargeboards, chimney, mullions, the fascia and so on which is also considered to be appropriate.
64. The side extension is well considered infilling a gap within the street scene and replicating the attractive and appealing design features of merit already present within the existing building. The overall design is well executed and it is good to see there is a slight change of height, with the extension being stepped down while the roof pitch is retained and set back somewhat from the front elevation. The properties within this row and indeed the surrounding area more generally benefit from varying ridge and eaves heights creating a stepped roof line arrangement which contributes to the character of the area. Although the extension to the building will be higher than the adjacent property it is not considered that this would have an adverse impact in terms of the wider streetscape. The through access archway is a well considered feature that contributes positively to the overall appearance of the building.
65. It is disappointing to see that the coach house would be demolished as part of the restoration of the rear elevation. Although it would be preferable to see the building retained, overall the positive gains achieved through the redevelopment of the site are considered to outweigh the loss of this one particular element. The heritage statement submitted in support of the application seeks to address the loss therefore on balance the proposal is considered to meet the requirements of part 12 of the NPPF.

66. During the application process some concerns were raised in relation to the overall design of the rear extensions however these have now been amended in line with advice provided by the design and conservation officer.

### Highways

67. The thirteen apartments would be served by nineteen on-site car parking spaces therefore would comply with Durham County Council's residential car parking standards. The secure cycle storage arrangement for 9 bicycles is also welcomed.
68. The public footpath that abuts the front of the public house is public highway and as such the redevelopment of this site will address the redundant cellar hatch opening located just to the south of the main pedestrian front access door. The cellar hatch must be removed and the resulting void beneath filled in correctly with the surface being reinstated in footway materials to match those on either side. The submitted plans include notes to this effect which is deemed to be acceptable. Notwithstanding this however the highways officer recommends a condition to this effect.
69. The creation of the 4.8 metres wide road access will require the relocation of the vehicular access crossing in the existing public footway, which must include the re-use of the existing granite sett kerb materials. This work including the reinstatement of the redundant section of the original vehicular access crossing needs to be carried out in accordance with highways requirements and an informative would be included as part of any approval to direct the developer towards the relevant contact within the highways section.
70. The granite sett access road directly in front of the public house is not public highway therefore must be regarded as a private road, and is within the ownership of Easington Village Parish Council. Both the developer and the land owner are aware of this with the correct notices being served for the purpose of the planning application. It is therefore considered to be a private legal matter between both parties to ensure that vehicular access rights for the future occupants of the dwellings can be established.
71. On the basis of the above the highways officer has assessed the development and offers no objection to the scheme subject to the imposition of both a planning condition and informatives.

### Other Issues

72. The site is not considered to be at risk of flooding. Colleagues in the drainage section have been consulted on the scheme and have not raised any objections therefore surface water drainage will be subject to the requirements of building regulations.
73. The Contaminated Land Officer has assessed the available information and historical maps and is mindful that there are no proposed garden areas within the development proposal. As such the section has confirmed there is no requirement for a land contamination condition.
74. Given the nature of the development there is very little scope to provide landscaping within the site and as such a landscaping condition is not considered appropriate. The plans do incorporate some additional tree planting and the species of this has been amended in line with the landscape officer's recommendations to ensure it has the best chance of flourishing. Although he still has concerns about its long term

survival being in such a restricted planting area overall there are no significant concerns with regards to the scheme.

75. Colleagues in ecology have assessed the scheme and offer no objection to the scheme subject to a standard bat informative being added to any approval. The Council can therefore satisfy its obligations under the Conservation of Habitats & Species Regulations 2010
76. The majority of the concerns raised by local residents have been addressed elsewhere in the report. Matters raised regarding the loss of a view and property devaluation are not material planning considerations.

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## **CONCLUSION**

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77. 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 a significant 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 the National Planning Policy Framework and saved Policies of the current Local Plan. Whilst objectors concerns are appreciated and duly noted it is not considered they would amount to reasons to refuse planning consent.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to completion of a S.106 agreement to secure a financial contribution of £6500 for off-site play/recreation provision, and 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. Heritage statement and design and access statement received 13/07/2015, Contaminated land risk assessment and structural survey received 10/08/2015, Application Form received 26/08/2015, Drg. no. 02 Rev. C received 08/09/2015, Drg. no. 03 Rev. B received 11/09/2015, Sustainability Statement received 15/09/2015, Drg. no. 01 Rev. C received 29/09/2015.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies 1, 22 and 35 of the Easington Local Plan.
3. Notwithstanding any details of materials submitted with the application no development shall commence until a full schedule of materials including external walling and roofing materials, external joinery details, rainwater goods, eaves, parapet details and hardstanding 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, 22 and 35 of the Easington Local Plan. Required to be pre-

commencement as construction matters must be agreed prior to development commencing.

4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections and recess details, of the proposed windows and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.  
Reason: In the interests of the appearance of the area and to comply with saved Policies 1, 22 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 occupation of any dwelling the cellar hatch door opening in the existing public footway must be removed and the resulting void beneath filled in correctly with the surface being reinstated in footway materials, the details of which must first be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety and to comply with saved policy 1 and 35 of the District of Easington Local Plan.
6. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.  
Reason: In order to minimise energy consumption and to comply with saved policy 1 and 35 of the District of Easington Local Plan and the aims of Part 10 of the NPPF. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
7. Before any part of the development hereby approved is commenced a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining properties shall be submitted to and approved in writing by the local planning authority and shall be implemented in complete accordance with the approved details prior to the occupation of any part of the development.  
Reason: In order to prevent noise disturbance in accordance with saved policy 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.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

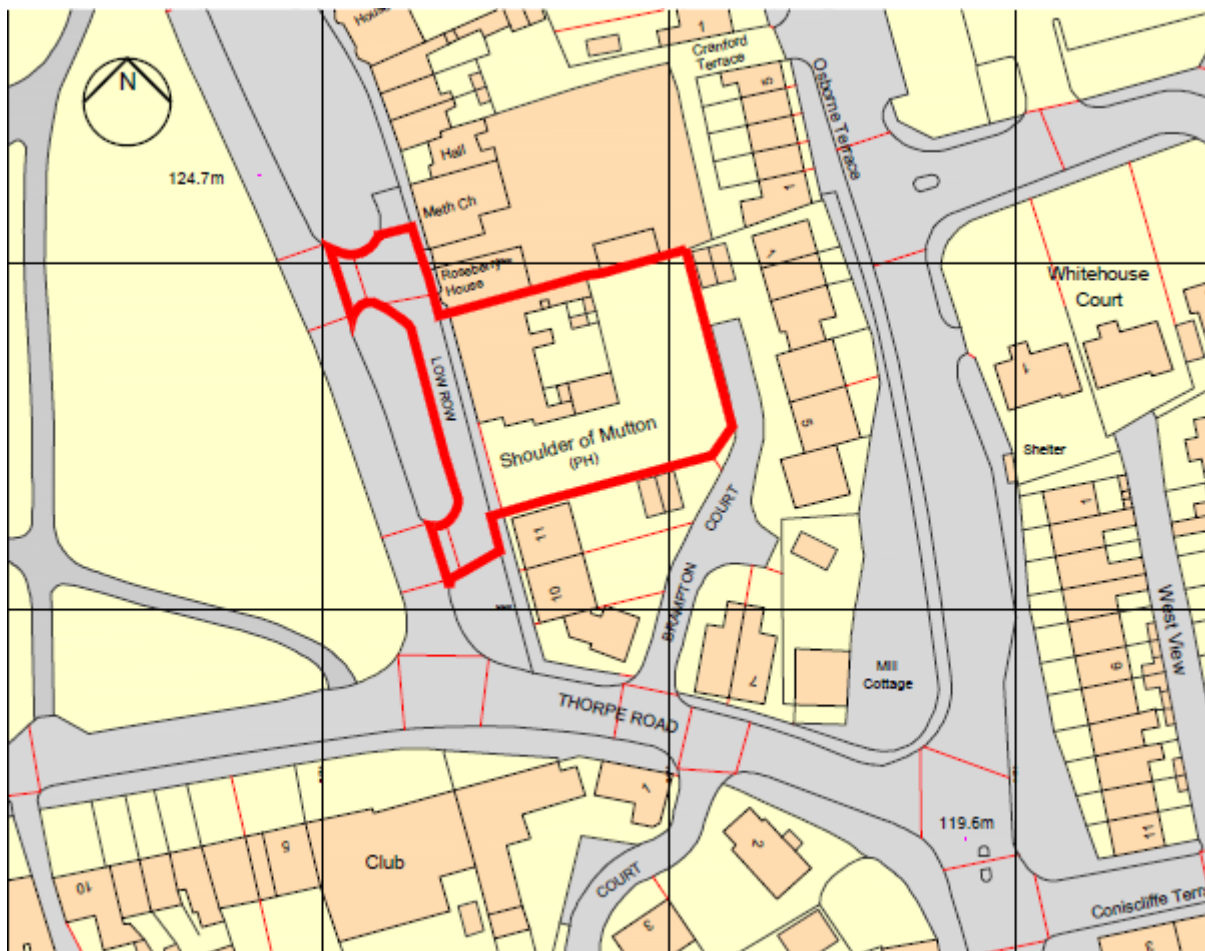
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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Drawings

- National Planning Policy Framework
- Easington Local Plan 2001
- Emerging County Durham Plan
- Consultation Responses



**Planning Services**

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**Dwellinghouse  
Shoulder of Mutton, Low Row, Easington,  
Peterlee, SR8 3AU**

**Comments**

**Date. 13 October 2015**

**Scale 1:1250**





## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/02392/FPA & DM/15/02393/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use from office (B1) to 81 bedroom hotel (C1) with fitness suite and spa, restaurant and bar, coffee shop, associated access, car parking and landscaping. Demolition of rear extension and creation of a new lift shaft and kitchen stores. Internal and external alterations to a listed building.
<b>NAME OF APPLICANT:</b>	The Kevin Brown SIPP
<b>ADDRESS:</b>	Old Shire Hall, Old Elvet, Durham
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. Old Shire Hall is a Grade II Listed Building which fronts directly onto Old Elvet, within a prominent location in the eastern area of Durham City Centre and within the Durham City Conservation Area.
2. Construction of 'The Shire Hall' commenced in 1896 when the Earl of Durham laid the foundation stone, it was built as the headquarters for the newly formed County Council and in 1898 was opened by the Chairman of Durham County Council, Mr Alderman Samuel Storey.
3. Built by Rankin of Sunderland in baroque style, the building is constructed with a bright red engineering brick with copious terracotta and sandstone ashlar dressings sandstone ashlar dressings. The roof is covered with lakeland slate with terracotta crestings has a feature copper dome.

4. The building was extended in 1905 to house the education department and remained in the ownership of the Council until 1963 when they moved to the current headquarters at Aykley Heads in County Hall.
5. The Shire Hall was then used as the headquarters and administrative offices of the University until 2012 housing 150 staff including the Vice-Chancellor, Registrar and Treasurer along with many of the university administrative personal and management. The building has been empty since the University moved to its new Campus in 2012. To date it has been well maintained however increasing maintenance makes it imperative that a viable and sustainable solution is found for the long lasting preservation of the building.

## **The Proposal**

6. This application is for both full planning permission and listed building consent for the change of use from office (B1 use class) to 81 bedroom hotel (C1 use class) with fitness suite and spa, restaurant and bar, coffee shop, associated access, car parking and landscaping. It also involves the demolition of a rear extension and creation of a new lift shaft and kitchen stores requiring both internal and external alterations to a listed building. It is proposed that the restaurant and bar would have 150 covers whilst the coffee shop would have 100 covers. A very similar application was approved in November 2014 for a 43 bedroom hotel, 29 room aparthotel, restaurant, bar and leisure club.
7. As with the previously approved application, the impacts on the historic fabric would be minimal, and an effort has been made to retain the significant features and reuse existing service routes, circulation and compartmentalisation. The proposals are sensitive to the external façade and setting within the conservation area and the minimum of interventions are proposed. Significantly the proposals will repair or reinstate original features, involve no major changes in layout or removal of significant elements of the building except to insert lifts and some demolition to modern unsympathetic extensions within the internal courtyards.
8. The buildings existing form lends itself to the separation into hotel rooms, the layout of the east, west and central corridors, with a number of both large and small offices, are suited for the sub-division of the hotel into rooms and suites. It is proposed to convert the most important heritage asset, the former council chamber, into the bar and restaurant.
9. No changes are proposed to the access & egress arrangements which were submitted and approved in the previously approved planning application. Vehicular access is by means of a drop off point on Old Elvet for hotel customers and large service vehicles shall have a dedicated loading/unloading zone.
10. Other service vehicles and customers wishing to park (approximately 33 cars per day), shall access via the widened western driveway entrance directly off Old Elvet and egress over the right of way onto Court Lane at the South (rear) of the building.

12. It is hoped that the proposed works would facilitate Old Shire Hall being converted into an appropriate, viable and long term sustainable use which would permit public access to the heritage asset.
13. This application is being referred to Committee as it is classed as a major development.

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## **PLANNING HISTORY**

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14. Planning permission was granted in November 2004 for a 43 bedroom hotel and 29 room aparthotel, restaurant and bar, leisure club and spa with associated access, car parking and landscaping along with alterations to the listed building. In addition, numerous planning applications have been approved over recent years for internal alterations to the listed building in order to facilitate its use as University Offices.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

15. 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.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal;

17. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
18. *NPPF Part 2 – Ensuring the vitality of town centres.* States that the planning system should be positive, should promote competitive town centre environments and should set out policies for the management and growth of centres over the plan period.
19. *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.

20. *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.
21. *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.
22. *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.
23. *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.
24. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

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

25. *Policy CC1 Vitality and Viability of Durham City Centre* – States that the Council will seek to protect and enhance the vitality and viability of the city centre.
26. *Policy E6 Durham City Centre Conservation Area* - states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
27. *Policy 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.

28. *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.
29. *Policy E21 Conservation and Enhancement of the Historic Environment* requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
30. *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.
31. *Policy E23 Listed Buildings* seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.
32. *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.
33. *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.
34. *Policy Q8 - Layout and Design – Residential Development* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
35. *Policy U8a - Disposal of Foul and Surface Water* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
36. *Policy V6 – Tourism within settlement boundaries* states that planning permission will be granted for new visitor accommodation or extensions to existing visitor accommodation within the boundary of settlements provided that the development is

appropriate to the scale and character of the area and such a proposal does not conflict with other policies contained within the plan.

#### **EMERGING POLICY:**

37. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

38. Historic England has no objections to the proposals.
39. The Environment Agency initially objected to the proposals as no Flood Risk Assessment had been submitted. However, this has now been resolved and the Environment Agency has no objections to the proposals subject to conditions requiring details of safe routes from the site and flood protection of the basement.
40. Northumbrian Water have no objections to the proposals.

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

41. The Councils Sustainability Officer raises concerns that no sustainability statement has been submitted although this has now been received. Notwithstanding this, the requirement for carbon reduction measures and renewable energy can be controlled with a planning condition.
42. The Councils Ecology Officer has assessed the bat and barn owl report and has no objections to the proposals subject to mitigation within the report being conditioned.
43. Archaeology Officers have offered support to the principle of the conversion of Old Shire Hall but have requested conditions requiring monitoring of works where there may be an archaeological impact.

44. Highways Officers have assessed the proposals and have noted that the application is slightly different from the consented development in that instead of a 43 bed hotel with 28 aparthotels units although it is noted that the pedestrian and vehicular access points and arrangements remain unchanged. Similarly, parking numbers and servicing arrangements remain unchanged. There are no objections raised subject to various conditions relating to details of loading bays, tree pits and paving surfaces and cycle parking facilities.
45. Environmental Health Officers do not object to the proposals but have requested conditions relating to sound insulation of walls and noise emanating from the site, details of external lighting, details of fume extraction and construction hours.
46. Tree Officers have no objections to the proposals but require trees which are to be retained to be protected throughout the development.
47. Landscape Officers do not object to the proposals subject to a condition requiring a soft and hard landscaping scheme.
48. Design and Conservation Officers state that the level of harm resulting from the proposals would be less than significant and that the proposal would bring a vacant building back into use, potentially securing its future and having a positive impact on the Conservation Area in addition to a public benefit.

**PUBLIC RESPONSES:**

49. The application has been advertised by way of site notices, press notice and letters to individual residents. 2 letters of concern have been received as a result of the consultation exercise. The main areas of concern relate to the potential use of the access onto Court Lane, an increase in traffic which would impact on the Cathedrals residential area, noise and odour pollution and the impact on the façade of the building. 1 letter has been received from HMP Durham who have no objections to the proposals.

**APPLICANTS STATEMENT:**

50. The application site currently comprises of a Grade II Listed building at the heart of the historic City of Durham. It is a significant and important landmark and forms part of the cultural and historic setting to the City. The building has been vacant since 2012 when the university moved to their new Campus. It currently contributes little to the City from an economic perspective and requires significant investment to bring it back into a long lasting viable economic use.
51. Old Shire Hall currently benefits from existing permission (Ref: DM/14/02160/FPA&DM/1402161/LB) for change of use and conversion to a 43 bedroom hotel and 29 room aparthotel (C1 Use Class), restaurant and bar (A3/A4 Use Class), leisure club and spa, granted November 2014.
52. Subsequent to consent being granted, discussions with prospective commercial operators have meant a number of changes were required to the original planning

permission. Following a detailed review of the operational requirements of the hotel, the current proposals consist of the conversion of the existing vacant building into an internationally branded 81 bed boutique hotel with fitness facilities, a landmark bar / restaurant and coffee shop.

53. These amended proposals broadly include replacement of the 29 room aparthotel element previously approved, the addition of 38 additional hotel bedrooms, the inclusion of a coffee shop and internal configuration alterations to the previously approved plans.
54. These amendments will secure the contract with the hotel brand and operator, by significantly improving the serviceability and viability of the hotel through the extra revenue generated from the additional rooms and coffee shop and by the overall improved function of the facility.
55. The application proposals seek to retain and preserve the historical significance of the building whilst bringing it back into a beneficial economic and public use. Through the private investment of in excess of £7.5m, the building will be turned into a high quality boutique 4 star hotel, the likes of which do not currently exist in the City. In doing so, it is predicted that it will attract around 23,000 additional visitors to the City and bring further income into local businesses from the spending power of those visiting the City.
56. The Durham Tourism Management Plan 2012 – 2016 and the County Durham Visitor Accommodation Futures Study, identifies an extremely high level of occupancy and a lack of bed numbers in the City Centre with 625 new beds required by 2030.
57. The study also identifies that the visitor economy is currently worth over £659m to County Durham. 1.51 million overnight tourists visited County Durham in 2010, spending almost 4.2 million nights in the area, our proposals will not only attract new overnight visitors, but also provide high quality dining and leisure facilities within the City making Old Shire Hall one the must visit destinations for visitors and local residents.
58. With the Council's aspirations in the emerging Local Plan to turn Durham, through the redevelopment of Aykley Heads into a business destination to rival the other major northern cities and to attract multinational business to locate its headquarters, this type of hotel, leisure facilities and bar/restaurant will provide an attractive offering for businesses moving to the City. In planning terms the proposals are fully in accordance with National and existing local policy and are also in accordance with the emerging local plan currently going through Examination in Public. There are no planning reasons why the application should be refused. It will bring economic and social benefits to the City and through architecturally sensitive redevelopment and improvements to the existing building, the proposals will secure the long term preservation of the heritage asset.
59. The applicant has worked closely with planning, conservation and highways officers to create an agreeable scheme that is both sensitive to the history of the building, harmoniously integrated with its surrounding location within the City but also economically viable.



60. It is predicted that if planning permission is approved that the site will bring forward 60 new jobs as part of the operation of the business. This does not include the significant local employment that will be created during construction. This represents a significant economic benefit to the City. In turn, the new hotel, bar, restaurant, and coffee shop are predicted to bring an additional £3m spend into the City with further benefits to the surrounding business's.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
[http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M4W1OFBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
62. In this instance, the relevant considerations are the principle of the development; in particular the accordance with the Governments National Planning Policy Framework (NPPF) and saved local plan. Other material considerations are the impact on heritage assets, highways issues, ecology and trees, archaeology and the concerns raised by local residents.

### **Principle of the development**

63. In terms of the principle of the development the National Planning Policy Framework sets out that the planning system should aim to build a strong competitive economy and to ensure the vitality of town centres, these aims are reflected in the saved policies in the City of Durham Local Plan.
64. In particular, saved Policy CC1 states that the Council will seek to protect and enhance the vitality and viability of the city centre by promoting mixture of uses in the area. In addition to this saved policy V6 states that planning permission will be granted for new visitor accommodation or extensions to existing visitor accommodation within the boundary of settlements provided that the development is appropriate to the scale and character of the area and such a proposal does not conflict with other policies contained within the plan.
65. It is considered that the proposals would result in an economic benefit to the city creating employment and regeneration benefits to this part of the town centre helping maintain its vitality. It is also considered that the proposals are appropriate to the scale and character of the area and for these reasons it is considered that the proposals are in accordance with the aims of parts 1 and 2 of the NPPF and saved policies CC1 and V6 of the City of Durham Local Plan

66. As stated by the applicant, the proposed hotel would consist of 81 bedrooms, the need for such accommodation has been identified in the Durham Tourism Management Plan 2012 – 2016 and the County Durham Visitor Accommodation Futures Study, which also identifies an extremely high level of occupancy and a lack of bed numbers in the City Centre with 625 new beds required by 2030.
67. The studies go on to say that Durham has the strongest potential for hotel development in the county. There is a potential for 3-4 new hotels in Durham City by 2030 of varying standards (from budget to 4 star and boutique), in addition to the planned extension to Ramside Hall, depending on how strongly and quickly the market grows and the pace of hotel development in surrounding areas that currently generate demand for hotel accommodation in Durham. In the short term the priority in the city is for boutique hotel development such as the one being proposed. A mid-market hotel could also come forward in the medium term. The market potential for 4 star hotel development is longer term and subject to a much stronger corporate market in the city. On the basis of the above, and given that an extant planning permission already exists for a boutique hotel and aparthotel on this site, that the principle of the development is acceptable.

### **Impact on heritage assets**

68. Saved Local Plan Policies E6, E21 and E22 all require the character of conservation areas to be preserved or enhanced. Policy E6 is particularly relevant to this application as it relates to the Durham City Centre Conservation Area. It states that the special character, appearance and setting of the Durham City Centre Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
69. In addition to the above Local Plan Policies, saved Policy E23 seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials. These saved Local Plan policies are considered to reflect the aims of part 12 of the NPPF which seeks to protect and enhance heritage assets.
70. The Councils Design and Conservation team have been consulted on the proposals and have had extensive discussions with the applicant during the application process. The applicant has taken on board suggestions and advice in order to put forward an acceptable scheme.
71. The proposals for change of use, and bringing a redundant nationally important Grade II building back into use are welcomed. The proposed use as a hotel and associated leisure uses would appear to be appropriate, and offer an important opportunity in assisting the regeneration of Old Elvet.
72. The overall impact of level of harm to the building that would be resultant in its change of use is considered to be less than substantial with the greatest degree of harm to significance being subjected to the council chamber and to the Western elevation where a more contemporary entrance feature is proposed.

73. The greatest degree of harm to significance is to the council chamber. Notwithstanding this, the applicant has justified within his design and access statement that this level of intervention is required to facilitate appropriate use of the space, within the proposed operational scenario, reflected in the applicant's general arrangement drawings. The applicant intends to retain and re-use fabric rather than dispose of it, and retain a hierarchical approach to layout within the former council chamber, thus attempting to retain an element of its overall character with reference to its former use. Therefore both the alterations to the council chamber and the proposed entrance feature on the western elevation would appear to be acceptable in terms of their design and impact on the Conservation Area subject to detailing secured through conditions.
74. It is identified that the level of harm in respect of the proposed interventions within the former council chamber is high; however the overall harm to the remainder of the building is less than significant, with a generally sensitive approach to external alterations, and intervention elsewhere considered to facilitate function and based upon a principle that is considered against significance. Overall it is considered that the impact is less than substantial and therefore in line with National Policy Section 132 of the National Planning Policy Framework (NPPF) the degree of harm is less than substantial, and as such it should be balanced against the public benefits of finding a new use for the building (sections 131 and 134 of the NPPF).
75. The proposal would bring a vacant building back into economically viable use and potentially secure its future, its maintenance and prevent further deterioration and damage that may incur over the long term with buildings that are vacant. In addition with regards to the impact on the Conservation Area, this proposal would have a positive impact within Old Elvet, thus having additional public benefit. On the basis of the above the Councils Design and Conservation Officers support the application subject to condition requiring final details of construction and therefore the application is considered to be in accordance with saved policies E6, E21, E22, E23 of the City of Durham Local Plan and part 12 of the NPPF.

## **Highways Issues**

76. The impacts of travel and demands for each use have been considered individually and in combination to arrive at a view as to the suitability of the development. The development sits within a highly accessible location within easy access to the city's central transport and retail hubs.
77. The level of traffic generation from such a development has been assessed against the previous development use traffic generation for B1 office accommodation. The building was used until 2012 by Durham University to accommodate 150 personnel and it is in this context that transport impacts are assessed. It is accepted that there would be no material increase over and above the previous use and that temporal distribution would be less concentrated for the proposed development. On that basis it is considered that the traffic generation can be accommodated within the existing network and junctions.
78. A transport Statement addendum has been produced by the applicants transport consultant. It is noted that the pedestrian and vehicular access points and

arrangements remain unchanged from the previously approved application. Similarly, parking numbers and servicing arrangements remain unchanged. There is an increase of 9 bedrooms from the original application but no increase in on-site parking. Given the City Centre location with on Street Pay and Display provision in the area, this is considered acceptable. It is therefore considered parking provision would be acceptable for the proposed development. Potential increase in pressure for parking demand in this area of the city may result. Such pressure would cause an expansion of areas for parking demand in the area which could result in increased demand in city centre car parks although such impacts could not be considered severe in highway terms.

79. The proposal includes removal of parking space within the highway to the front of the development. It is estimated a minimum of 8 spaces would be lost and subsequently a loss in revenue to the authority of £22,000 per annum from parking charges. It is important that Committee members are made aware of this significant impact, although highways officers do not offer any objection on this basis and it is not a planning consideration.
80. The proposal also indicates that two way access and egress can be taken from Old Elvet with a widened access point and a length of access road to permit two vehicles to pass side by side. It is considered that the site can operate from this single access point, although it is noted a secondary access and egress point to Court Lane exists and could be used by visitors and service vehicles.
81. The applicant shows an amendment to the cycle parking area on Old Elvet which is within the public highway. The amendment is shown to accommodate coach and commercial vehicles. In order to provide such a facility in the public highway an appropriately constructed loading bay with a traffic regulation order would be required. The loading bay would require splayed entry and exit points which could result in the loss of a further three bays and relocation of the electric vehicle charging points. The applicant also shows removal of parking space from Old Elvet at the hotel entrance to accommodate drop off and pick up points. As such the details of these arrangements should be the subject of a condition.
82. The applicant indicates a proposal to introduce seven highway trees within the adopted footway in front of the development. The type, size and detail of tree pits should be subject to a condition along with details of tactile footways for visually impaired persons indicating the presence of trees.
83. Sustainable transport options for pedestrians and cyclist should be a realistic alternative in such location where visitors can arrive via cycle rail or coach. It is proposed to relocate existing public cycle parking facility from within the carriageway in front of the building to a location within the wide footway area. This would be supported but must be funded by the developer. Eight covered, lit and secure cycle parking spaces are proposed on site. This is acceptable and meets current standards, details of the cycle spaces should be subject to a condition. The applicant has been informed that all proposed works within the public highway would be expected to be met at their expense.

84. There is an existing pedestrian demand through the site from Court lane to Old Elvet. Whilst this is not a Public right of way there is likely to arise a claimed right for pedestrians. The applicant will need to accommodate pedestrians within the site. A shared surface access drive to and through the parking areas is accepted as the most appropriate solution where vehicles speeds will be very low due to physical constraints.
85. In light of the above and subject to the appropriate planning conditions, it is considered that the proposals are acceptable from a highways point of view and would be in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

## **Ecology and Trees**

86. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
87. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
  - That there is no satisfactory alternative
  - That the population of the species will be maintained at a favourable conservation status in their natural range
  - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
88. Part 11 of the NPPF seeks to conserve and enhance the natural environment whilst saved Policy E16 of the City of Durham Local Plan is aimed at protecting and enhancing the nature conservation assets of the former district. Development proposals outside specifically protected sites such as the application site 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 should be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
89. The Councils Ecology Officer has assessed the proposals and has confirmed that the submitted ecological report is sufficient to inform the application and no objections are raised. It is noted that a bat roost was found during the surveys which

appears to be unaffected by the proposals. However, it is important that the roost is not affected by new lighting installed as a result of the conversion of the building. Similarly the functionality of the bat roost must not be affected by any works connected to the proposal. If any works have the potential to affect the roost (scaffolding, mortar pointing, re-roofing etc) then the project ecologist must be informed and a European Protected Species Licence obtained from Natural England. On this basis, and on the basis that the mitigation measures in the submitted ecological report are conditioned, it is considered that the proposals are acceptable from an ecology point of view and in accordance with saved policy E16 of the City of Durham Local Plan and part 11 of the NPPF.

90. Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that 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. This is also reflected in the aims of part 11 of the NPPF.
91. It is noted that there are mature trees within the site and within the site of neighbouring properties, the roots of which may be disturbed or damaged during construction. Therefore it is suggested that a condition requiring tree protection is added in order to ensure trees are adequately protected during the construction phase should planning permission be granted. On this basis it is considered that the proposals would be in accordance with part 11 of the NPPF and saved policy E14 of the City of Durham Local Plan.

### **Letters of concern from nearby residents**

92. As noted above, 2 letters of objection have been received as a result of the consultation exercise. The main area of concern relates to the increase in parking provision and arrangements for access to the site. The objections have been submitted by residents or owners of The Cathedrals apartments to the south of the application site. Other concerns include an increase in noise and disturbance due to the increased traffic.
93. As with the previously approved application, plans show visitor access and egress from the site coming off Old Elvet with access to the rear being used as a secondary access and as such, traffic passing the Cathedrals apartments will not be significantly increased, resulting in limited impact on residential amenity. Furthermore, a condition should be imposed as per the previous application which would require a signage scheme to be submitted directing visitors to the appropriate access and exit.
94. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts are not considered to warrant refusal of planning permission.

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## **CONCLUSION**

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95. Old Shire Hall is an important, prominent listed building within the Durham City Conservation Area. The proposals would bring the vacant building economically viable use and potentially secure its future, its maintenance and prevent further deterioration and damage. The building would be sympathetically restored and minimal alterations would be made which would be of benefit to the Old Elvet part of the Durham City Conservation Area and to the public who would benefit from public access to the building.
96. The proposals would contribute to the identified need for high quality accommodation in the city centre and would lead to regeneration, investment and employment. It is considered that all of these benefits would significantly outweigh any harm caused by the minimal alterations to the heritage asset and on this basis the application is recommended for approval.

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## **RECOMMENDATION**

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That the planning application reference DM/15/02392/FPA be **APPROVED** subject to the following conditions:

### **Conditions:**

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

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

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

Location and Block Plan HUB018.PPA.01  
 Existing Basement & Ground Floor Plans HUB018.PPA.0 B  
 Existing First and Second Floor Plans HUB018.PPA.03 B  
 Proposed Site Plan HUB018.PPA.07 R  
 Existing Site Plan HUB018.PPA.10 A  
 Council Chamber Existing & Proposed Plans & Section Q-Q HUB018.PPA.11 C  
 Details Sheet - Details 1, 1a, 2, 3, 4, 5 Typical Ensuite / Mezzanine Detail / Fire Protection Details HUB018.PPA.12  
 Existing Street (North) and Existing Sectional Lower Level Elevation HUB018.PPA.13 A  
 Existing & Proposed Sectional South Elevation R - R HUB018.PPA.15 B  
 Proposed Signage Front / North Elevation HUB018.PPA.17 C  
 Existing and Proposed Sections A-A, B-B, C-C, D-D, E-E, & Proposed Replacement Roof Lantern Detail HUB018.PPA.18 B  
 Existing and Proposed Sections O-O, L-L, T-T HUB018.PPA.19 C  
 Existing and Proposed Sections H-H, J-J, K-K, M-M, N-N HUB018.PPA.20 B

Existing and Proposed Sections Through Rotunda & Section P-P & G-G HUB018.PPA.21 B  
 Vehicular Entrance to Old Elvet As Existing & Proposed HUB018.PPA.22 A  
 Topographical Survey HUB018.PPA.24  
 Intervention Impact Plans Lower Ground Floor HUB018.PPA.25 D  
 Intervention Impact Plans Ground Floor HUB018.PPA.26 C  
 Intervention Impact Plans First Floor HUB018.PPA.27 C  
 Intervention Impact Plans Second Floor HUB018.PPA.28 C  
 Existing and proposed Section F - F HUB018.PPA.30 A  
 Site Services Proposed Plant HUB018.PPA.31 A  
 Sections T-T and T1-T1, Elevations U-U As Existing & Proposed HUB018.PPA.3  
 Proposed External Entrance Lobby SK0027 P1  
 Proposed Second Floor and Northern and Western Elevation Showing Roof Lights SK0031P1  
 Proposed lower ground and ground floor layout 2002P1  
 Proposed first and second floor layout 2003P1  
 Existing and proposed roof plans 2004P1  
 Proposed North Elevation with sections to show roof windows 2005P1

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E14, E21, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

3. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity and to comply with saved policy H13 of the City of Durham Local Plan.

4. No development shall commence until a scheme for tree protection has been submitted and agreed in writing with the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 of the City of Durham Local Plan and part 11 of the National Planning Policy Framework

5. No development shall take place unless in accordance with the mitigation detailed within the contents of Section 2 of the 'Old Shire Hall, Durham – Proposed Development. Bat and Barn Owl Report' written by Ruth Hadden and dated Summer 2014.

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



6. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Wardell Armstrong dated September 2014 and the following mitigation measures detailed within the FRA:
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  - Flood protection should be implemented for the basement area of the development as highlighted within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with part 10 of the National Planning Policy Framework.

7. The development shall not be brought into use until a scheme of sound proofing showing measures to deal with sound insulation of walls and floors between the separate and adjoining properties has been submitted to and approved in writing by the local planning authority and shall be in accordance with the approved details.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

8. No development shall commence until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

9. Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

10. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within

a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies E6 and Q8 of the City of Durham Local Plan and part 7 of the National Planning Policy Framework.

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

Reason: In order to secure a sustainable form of development in accordance with part 10 of the National Planning Policy Framework.

12. 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 specification produced by Durham County Council Archaeology Team. The specification includes details of the following:

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

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

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

13. 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 para. 141 of NPPF by making the information generated publicly accessible.

14. Notwithstanding any details submitted with the application no development shall commence until a scheme to provide a loading bay is submitted to and approved by the Local Planning Authority. The loading bay shall be provided in accordance with the approved details and made available for use throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

15. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing the type and size of tree pits is submitted to and approved by the Local Planning Authority. The tree pits shall be provided in accordance with the approved scheme and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

16. Notwithstanding any details submitted with the application no development shall commence until a paving scheme is submitted to and approved by the Local Planning Authority. The paving scheme shall be constructed in accordance with the approved scheme and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

17. Notwithstanding any details submitted with the application no development shall commence until a scheme showing the design, location and construction detail of cycle parking facilities is submitted to and approved by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved scheme and made available for use throughout the lifetime of the development.

Reason: In the interests of sustainable travel in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

18. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing installation of mechanical and electrical services including ventilation for the spa and kitchen is submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

19. Notwithstanding any details submitted with the application no development shall commence until details of external doors are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

20. Notwithstanding any details submitted with the application no development shall commence until details of external signage are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

21. Notwithstanding any details submitted with the application no development shall commence until details of all balustrading and stair guarding are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

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

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

23. No fixtures or fittings shall be removed from council chamber until with the contract for the future occupation/operation of this space has been let.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework

That the planning application reference DM/15/02393/LB be **APPROVED** subject to the following conditions:

## Conditions:

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

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

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

Location and Block Plan HUB018.PPA.01

Existing Basement & Ground Floor Plans HUB018.PPA.0 B

Existing First and Second Floor Plans HUB018.PPA.03 B

Proposed Site Plan HUB018.PPA.07 R

Existing Site Plan HUB018.PPA.10 A

Council Chamber Existing & Proposed Plans & Section Q-Q HUB018.PPA.11 C

Details Sheet - Details 1, 1a, 2, 3, 4, 5 Typical Ensuite / Mezzanine Detail / Fire Protection Details HUB018.PPA.12

Existing Street (North) and Existing Sectional Lower Level Elevation HUB018.PPA.13 A

Existing & Proposed Sectional South Elevation R - R HUB018.PPA.15 B

Proposed Signage Front / North Elevation HUB018.PPA.17 C

Existing and Proposed Sections A-A, B-B, C-C, D-D, E-E, & Proposed Replacement Roof Lantern Detail HUB018.PPA.18 B

Existing and Proposed Sections O-O, L-L, T-T HUB018.PPA.19 C

Existing and Proposed Sections H-H, J-J, K-K, M-M, N-N HUB018.PPA.20 B

Existing and Proposed Sections Through Rotunda & Section P-P & G-G HUB018.PPA.21 B

Vehicular Entrance to Old Elvet As Existing & Proposed HUB018.PPA.22 A

Topographical Survey HUB018.PPA.24

Intervention Impact Plans Lower Ground Floor HUB018.PPA.25 D

Intervention Impact Plans Ground Floor HUB018.PPA.26 C

Intervention Impact Plans First Floor HUB018.PPA.27 C

Intervention Impact Plans Second Floor HUB018.PPA.28 C

Existing and proposed Section F - F HUB018.PPA.30 A

Site Services Proposed Plant HUB018.PPA.31 A

Sections T-T and T1-T1, Elevations U-U As Existing & Proposed HUB018.PPA.3

Proposed External Entrance Lobby SK0027 P1

Proposed Second Floor and Northern and Western Elevation Showing Roof Lights SK0031P1

Proposed lower ground and ground floor layout 2002P1

Proposed first and second floor layout 2003P1

Existing and proposed roof plans 2004P1

Proposed North Elevation with sections to show roof windows 2005P1

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E6, E14, E21, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

3. No development shall take place unless in accordance with the mitigation detailed within the contents of Section 2 of the 'Old Shire Hall, Durham – Proposed Development. Bat and Barn Owl Report' written by Ruth Hadden and dated Summer 2014.

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

4. Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interest of residential amenity in accordance with part 11 of the National Planning Policy Framework

5. 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 specification produced by Durham County Council Archaeology Team. The specification includes details of the following:

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

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

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

6. 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 para. 141 of NPPF by making the information generated publicly accessible.

7. Notwithstanding any details submitted with the application no development shall commence until a scheme detailing installation of mechanical and electrical services including ventilation for the spa and kitchen is submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

8. Notwithstanding any details submitted with the application no development shall commence until details of external doors are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

9. Notwithstanding any details submitted with the application no development shall commence until details of external signage are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

10. Notwithstanding any details submitted with the application no development shall commence until details of all balustrading and stair guarding are submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

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

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework.

12. No fixtures or fittings shall be removed from council chamber until with the contract for the future occupation/operation of this space has been let.

Reason: In order to protect heritage assets in accordance with saved policies E21, E22 and E23 of the City of Durham Local Plan and part 12 of the National Planning Policy Framework

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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





**Planning Services**

Old Shire Hall, Durham

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**Date** October 2015



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/02602/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Construction of 33 houses and associated carriageway, footway and landscaping.</b>
<b>NAME OF APPLICANT:</b>	<b>Swale Valley Construction</b>
<b>ADDRESS:</b>	<b>Land to the east of Fairfalls Terrace, New Brancepeth</b>
<b>ELECTORAL DIVISION:</b>	
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located on land to the east of Fairfalls Terrace in New Brancepeth. The site is measured at approximately 0.8 hectares in size and is agricultural land which has been described in the application supporting information to be used as a hobby farm and grazing paddock. The site is sloping and elevated from the adopted road which is to the north of the site. Beyond the adopted highway to the north is a woodland area and a site which appears to be a disused builders yard. Terraced residential streets known as Jubilee Street, Harvey Street and Unthank Terrace were located on the woodland area north of the site and these were demolished prior to the 1980's. The residential terrace of Fairfalls Terrace is located directly to the west, with the residential bungalows of Wood View and Sunset and the residential house known as Frelma located to the east of the site. There are some existing agricultural buildings located along the south boundary of the site.

### The Proposal

2. Full planning permission is sought for residential development of 33 new dwellings. The proposal includes a mixture of detached, semi-detached and terraced dwellings comprising of 3 and 4 bedrooms. The proposed properties would be arranged around a central spine road accessing from the north east corner of the site with housing courts accessing from this main spine road. The application proposes the removal of the hedgerow along the north boundary of the site and this will be replaced by an active frontage with properties facing directly onto the adopted highway. The proposed scheme is to be delivered in partnership with Derwentside Homes and the development will comprise a mixture of sale housing and intermediate housing.

3. The application is reported to the Planning Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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4. Outline planning permission was granted in 1995 for residential development on this site and this permission was renewed in 1998. This planning permission was not implemented and has subsequently expired.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *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.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *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.
13. *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.

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

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

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

14. *Policy 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.
15. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy 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.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. *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.
20. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
21. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
22. *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.

23. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

#### **EMERGING POLICY:**

24. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

25. *Environment Agency* has not raised any objections to the proposed development.

26. *Police Architectural Liaison Officer* has stated that there are no issues with the layout of the site from a Design out Crime perspective however it is advised that the street lighting is designed to adoptable standard.

27. *Northumbrian Water* have not raised any objection but has requested details of how surface and foul water will be disposed.

28. *Durham County Highways Authority* has confirmed that the access layout and proposed parking for the scheme is acceptable.

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

29. *Education Section* have confirmed that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development.

30. *Public Rights of Way Section* have confirmed there are no recorded public rights of way through or bordering the site.

31. *Tree Section* has indicated that the arboricultural report submitted with the application complies to current industry standards however the proposed removal of a hedgerow would have an effect on site, street and local level.
32. *Landscape Section* has stated that the development could have a potential moderate adverse effect on the landscape character of the area however this could be mitigated by sensitive choice of materials and landscape scheme.
33. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke, odour or light.
34. *Drainage Section* have requested details of surface water drainage.
35. *Sustainability Section* has indicated there is no significant concern regarding either the location of the development or how the developer is aiming to embed sustainability.
36. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further phase 2 site investigation report shall be submitted prior to development commencing.
37. *Archaeology Section* has not raised any objections to the scheme.
38. *Ecology Section* has not raised any objections to the scheme.
39. *Spatial Planning Policy Section* has not raised any objections to the proposed scheme.
40. *Housing Development and Delivery Team* has confirmed that the viability assessment submitted with the application is acceptable and the proposed scheme can be supported without the requirement of affordable housing provision.

#### **PUBLIC RESPONSES:**

41. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. At the time of this report being published 6 letters of objection have been received on the application.
42. The main concern raised by local residents relate to the impacts the development would have on drainage and flooding to the surrounding area. There are concerns relating to highway issues and these include the proposed access being unacceptable and too close to the T-junction east of the site, as well as traffic congestion resulting from the development. It is also noted by residents that the highway can be problematic in the winter months.
43. There are concerns about the loss of visual amenity in particular the loss of landscape quality. The loss of biodiversity is a concern in relation to loss of hedgerow and impact on wildlife. The submitted Sustainability Assessment is considered unacceptable and concerns are also raised in terms of noise impacts. Some residents have indicated that the proposal would have a social impact as the addition of 33 houses will change the character of the community and would be out of proportion with the area.

44. A local resident has indicated that the addition of some new houses would make the local post office more viable and maintain viability of the primary school and the shop and no objections would be raised to a modest development on the site.

#### **APPLICANTS STATEMENT:**

45. The development of this site will create a mixed range of good quality housing into New Brancepeth on this previously identified site within the village settlement boundaries. The proposal has a range of 3 bedroom starter homes along the front of the site creating a traditional street scene in line with the surroundings then into the site a mix of 3 & 4 bedroom larger homes are to be provided. This mix will provide a varied range of housing from starter dwellings to established family homes for those whom wish to live in an outlying village. This should bring an added economic benefit to the village.
46. The proposal is for mixed tenure housing scheme which will not only provide housing in the form of traditional open market sales housing but also in the form of the much acclaimed Prince Bishop Housing Model which provides “Intermediate” tenure housing in the form of their innovative “rent to buy scheme” where tenants who have lived in a property for four years can take an option to purchase their home and share in any increase in value over the rental period. This could be used as a deposit when purchasing the property. Due to this site should provide a good range of starter opportunities allowing people to purchase their first home.
47. We note from the public consultations there are a number of concerns but we would like to confirm as stated within our supporting documentation that the site has considered all relevant matters during a lengthy design and consultation process. This includes dialogue and transport assessments to evaluate the correct sighting of the access point including traffic speeds and visibility etc.... In terms of drainage from the start we have been in consultation with Civil Engineers, the Local Water Authority & Geotechnical consultants regarding the sites drainage. This has been fully evaluated to provide onsite storage of surface water in a 1:100 year+ storm event, we have also been in dialogue with the local water authority to change the FW connection point from the rear lane to the front road as we believe this was a major concern for the local residence.
48. There are no identified prohibiting technical reasons likely to prevent the delivery of the proposed development within the next five years nor are there any significant adverse constraints or threats to: local ecology or habitat; flooding; the local neighbourhood or surrounding environment that are likely to delay progress on the development going forward.
49. The scheme will be delivered by ourselves Swale Valley Construction in partnership with Prince Bishop Homes. We are a locally based family owned house builder which provides a good level of employment to the local vicinity and constantly provide training and development for our employees and also a number of local apprenticeships. Our main philosophy towards our developments is that we should provide houses people are proud to call home through sustainable well-built and designed developments.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant



guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions; ecology and drainage; and other issues.

#### Principle of residential development

51. The site is bounded by existing residential properties to the west and east. The settlement of New Brancepeth is classed as a medium sized settlement within the Council's Settlement Study which indicates that these villages tend to have fairly minimal facilities with some public transport services. It is considered that the development of this site for residential purposes would help in supporting the limited services currently within the village. Given the regeneration benefits which the proposal brings and that the development would help support local services, it is considered that the proposed development would be in accordance with the sustainability principles of the NPPF.

#### Residential amenity

52. The nearest neighbouring properties are those located on Fairfalls Terrace to the west and Woodland View, Sunset and Frelma House to the east. The gable elevation of No. 1 Fairfalls Terrace would be located approximately 7 metres from the nearest proposed property on the site. There are no windows proposed which would directly overlook No. 1 Fairfalls Terrace therefore there would be no loss of privacy. There is a window located in the gable elevation of No. 1 Fairfalls Terrace which overlooks the application site. This is considered to be a secondary window and it is not considered the proposed development would adversely impact on the residential amenity of No. 1 Fairfalls Terrace, in terms of overbearing or overshadowing impacts.

53. The neighbouring bungalows on Woodland View, Sunset and Frelma House are located over 30 metres from the proposed properties which would ensure that adequate levels of privacy are maintained and that there would be no adverse impacts in terms of overbearing or overshadowing effects. It is considered that the residential amenity of neighbouring properties would not be adversely affected by the proposed development.

54. In terms of the relationship between the proposed properties, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties. Each property proposed would have individual rear garden amenity areas for the future occupiers. Whilst the majority of these garden areas provide ample amenity space, there are several which could be considered substandard as they are small areas. Ultimately, it would be for prospective purchases of the properties to decide on whether the garden areas are of sufficient size for their needs. It is not considered that the substandard size of some of the gardens of sufficient to warrant refusal of the application.

55. The Environmental Health Officer has not raised any objections to the proposed scheme however a number of conditions have been recommended in respect of noise, lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. The Environmental Health Officer dealing with contamination has not

raised any objections but has requested that a phase 2 contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended.

56. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

#### Layout, design and visual amenity

57. The layout of the proposal is fairly standard with the primary road swinging round into the site forming a straight road leading to a number of cul-de-sacs. The layout is considered to be fairly well conceived creating a sequence of spaces with clusters of houses grouped around courtyards and parking courts, with planting and shared surfacing incorporated. The removal of the hedgerow along the north boundary is regrettable however this would be replaced by a row of housing which provides a strong building line frontage which would continue the existing built form of Fairfalls Terrace.
58. There is a good mix of house types on the site with detached, semi-detached houses and linked terraced properties proposed. The design of the proposed properties is typical of a modern housing estate and would not appear out of keeping with the mixed style of housing in New Brancepeth. Housing details such as steep pitched roofs, porch canopies, and sills and heads also contribute to good design. No details have been submitted in terms of finished building materials therefore a condition is recommended for details to be submitted prior to works starting on site. Given the mix of different materials within New Brancepeth it is considered that satisfactory materials can be agreed which would not appear out of keeping with the surrounding area. Details have been submitted for boundary treatment indicating that 1.5 metre and 0.8 metre high timber fencing will be used across the site. The proposed parking and driveway areas are to be constructed from block paving in tan brindle colour.
59. The site is currently agricultural land, and the County Landscape Officer has indicated that the loss of the pasture and roadside hedge, and the development of the field for housing would have a potential effect on landscape character that could be summarised as moderately adverse. The Landscape Officer does however indicate that the site is within the settlement boundaries of the village and there are no landscape designations on the site, and with a sensitive choice of materials and landscape scheme the impacts on the landscape can be mitigated. It is considered that the scheme if of a high quality design and materials with a suitable landscaping scheme which would ensure the surrounding landscape would not be adversely compromised. Overall, it is considered that the proposed development would not have an adverse impact on the landscape of the immediate area.
60. Overall, it is considered that the layout, design and appearance of the proposed development would be acceptable. The visual amenity of the surrounding area would not be compromised and the landscape character of the surrounding area would not be adversely affected by the development. The proposal is considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the local plan.

#### Highway and access issues

61. The proposed development is to be accessed directly from the adopted highway to the north of the site. The Highways Officer has confirmed that visibility from this access can be adequately achieved and is therefore considered acceptable. The proposed layout of the estate is considered acceptable from a highways perspective and there is sufficient parking provision which would be in compliance with the Durham County Council's Residential Car Parking Standards. The proposed estate road would need to be designed and constructed to meet current highway design standards and the developer would need to enter into an agreement under Section 38 of the Highways Act.
62. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

63. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site". A development of this scheme usually expects 20% of the housing on the site to be affordable homes. A viability assessment has been submitted with this application which indicates that the proposed development would not be viable with any affordable housing included within the scheme. The Councils Housing and Assets Team have assessed the viability assessment and have confirmed that the scheme would not be viable if affordable housing were to be included. The Housing Development Manager has accepted that given the viability of the scheme, affordable provision would not be required on this site.
64. It is noted however that the proposed development is to be delivered in partnership with Derwentside Homes and the development will comprise a mixture of sale and intermediate housing, with the low cost housing consisting of Derwentside Homes Prince Bishops Homes (Rent to Buy) Model. Although the Prince Bishops Homes (Rent to Buy) Model is not considered to be strictly affordable provision it would provide an intermediate housing provision. Along with the market sale housing proposed, it is considered that the development provides a good mix of housing which would contribute to the housing stock in New Brancepeth and would therefore be in accordance with the NPPF requirements.
65. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £33,000, based on the sum of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development and the developer has committed to a contribution of £32,237 in this regard. These contributions will be secured through a Section 106 legal agreement.
66. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

#### Ecology and drainage

67. Concerns have been raised by local residents regarding drainage of the site and flooding issues. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.
68. 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.
69. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
70. An Ecology 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. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
71. Overall it is considered that the proposed development would not have an adverse impact on drainage and flooding in and around the site; and protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.

#### Other issues

72. The Coal Authority and the Council Archaeology Section were consulted on the proposals and they have not raised any objections to the scheme. The Council's Education Section was also consulted and they have indicated that there are no requirements for contributions to education within the locality.

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## **CONCLUSION**

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73. The proposed development is located amongst existing housing within New Brancepeth. The village has limited services and introducing further residential accommodation into the village would help support these services. It is therefore

considered that the proposal can be considered sustainable development and would be in accordance with guidance contained within the NPPF.

74. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
75. The proposed scheme would introduce a typical modern housing estate with the properties built from materials that would not appear out of place within the local area. The development provides a strong built frontage which continues the existing terraced form of Fairfall Terrace. It is not considered that the proposed development would have an adverse impact on the surrounding landscape. The proposals are considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the City of Durham Local Plan.
76. The Highways Authority has confirmed that the access into the site would be acceptable subject to a condition confirming the access visibility splays. The proposed internal layout arrangement is acceptable and sufficient parking is provided. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
77. A viability assessment has been submitted indicating that the development would be unviable with affordable housing provision. The Council's Housing and Asset Teams have confirmed this and are satisfied that the scheme can be delivered without an affordable housing provision. The development would still provide a mix of market sale housing and intermediate housing which would contribute to the local housing mix. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality as well as contributions towards public art.
78. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
79. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.
80. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

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## **RECOMMENDATION**

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £33,000 towards green infrastructure in the locality; and a financial contribution of £32,237 towards public art in the locality; and subject to the following conditions;

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
837-101	Proposed Site Plan	19/08/2015
837-102	Site Plan Levels	19/08/2015
837-103	Boundary Enclosure Details	19/08/2015
837-104	Visibility Splay Details	19/08/2015
837-105	Proposed Street Elevation	19/08/2015
837-110	House Type A – Plans and Elevations	19/08/2015
837-111	House Type C – Plans and Elevations	19/08/2015
837-111-Alt	House Type C- Alternative Kitchen/Dining Area – Plans and Elevations	19/08/2015
837-112	House Type E – Plans and Elevations	19/08/2015
837-113	House Type F – Plans and Elevations	19/08/2015
837-114	House Type G – Plans and Elevations	19/08/2015
837-115	House Type G – Plot 19 – Plans and Elevations	19/08/2015
N467-PP-0001	Soft Landscape Proposals	19/08/2015
837-SLP	Location Plan	01/10/2015

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

3. No development hereby permitted shall commence until details of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.*

4. No development approved by this permission shall be commenced until:
  - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
  - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

- 5. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

- 6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by Dendra Consulting Ltd date received 19<sup>th</sup> August 2015.

*Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.*

- 7. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

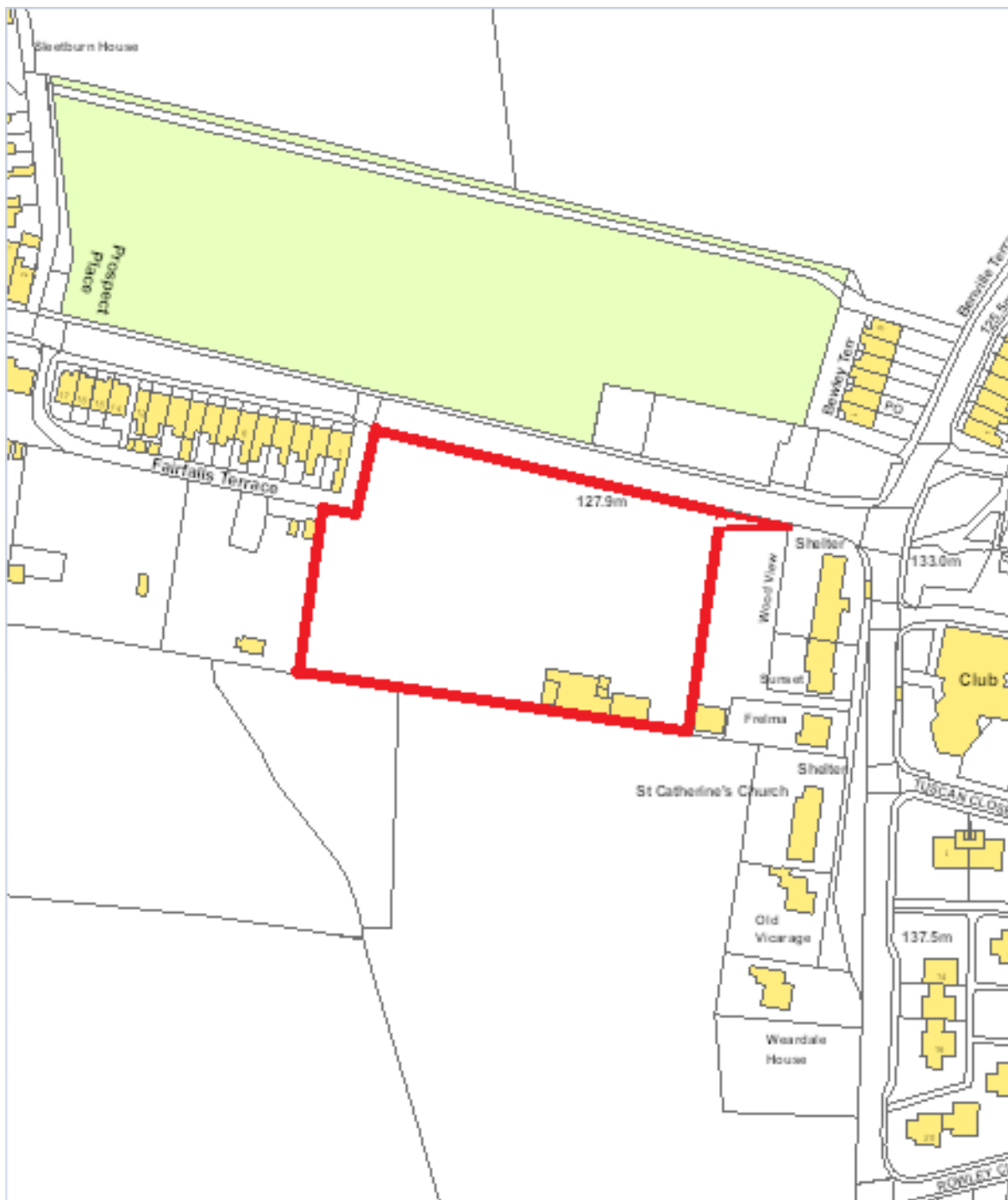
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## **BACKGROUND PAPERS**

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





**Planning Services**

**Construction of 33 houses and associated carriageway, footway and landscaping at Land to the east of Fairfalls Terrace, New Brancepeth Ref: DM/15/02602/FPA**

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**Date 13<sup>th</sup> October 2015**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01548/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of two storey office building with associated access, parking and landscaping
<b>NAME OF APPLICANT:</b>	Rivergreen Developments PLC
<b>ADDRESS:</b>	Former Croquet Lawns Aykley Heads DH1 5TS
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Claire Teasdale, Principal Planning Officer, 03000 261390, <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The 1.82 ha site is located at Aykley Heads approximately 1.4km to the north west of Durham City. Aykley Heads includes a mix of commercial and residential (at Aykley Vale and Dunholme Close) areas set within a mature parkland landscape. The uses surrounding the Aykley Heads area include Durham County Council's County Hall to the south, the University Hospital of North Durham (formerly Dryburn Hospital) to the west, the largely residential area of Framwellgate Moor to the north and agricultural land to the east. The site itself is located to the south of Durham Trinity School and an existing office development, Salvus House (previously occupied by Sunderland Marine).
2. The proposed development site consists of open green space comprising areas of amenity grassland, vegetation with three croquet pitches. The site is generally flat falling from north to south with a level change of approximately 2m. It is divided into three areas by trees and vegetation. The western most being amenity grassland and woodland, the central area contains an abandoned croquet pitch and amenity grassland and the eastern part contains two croquet pitches. The site is generally naturally screened from inward views site to topography and existing trees. An existing pedestrian and vehicular access to the site is located in the north eastern part of the site. Salvus House, to the north, shields the site from views from the main road. To the south and west mature tree coverage shields the view into site. Whilst to the east lies the new Durham Constabulary police headquarters

3. There are no designated landscapes within the application area, but there are a number in the vicinity. An Area of High Landscape Value is located approximately 15m to the south east of the site and the North Durham Green Belt some 50m to the south east. There are no ecological sites within the application area, the closest being over 550m to the north east. No designated heritage assets are located within the site, within 300m there are three. The Durham City Centre Conservation area is approximately 300m to the south that includes Durham Castle and Cathedral World Heritage Site.

## The Proposal

4. Planning permission is sought for the erection of a 4,242m<sup>2</sup> commercial office building (Use Class B1) over 2 storeys (ground and first) plus a lower ground/basement level; an access road (to be adopted); 146 car parking spaces including 9 accessible/disabled spaces; motorcycle and cycle provision would also be provided; and landscaped grounds.
5. The proposed building would be sited in the central area of the site with the entrance facing east encompassing the single croquet pitch. The building would be designed around a 16m portal frame with a U shape design. The roof would be pitched in places to break the scale of the development and extend in areas facing south to reduce overheating. The building would have a central core to the front elevation connected by a circulation route between two areas of office accommodation and a social space opposite the central core. This arrangement would be similar on the ground and first floors. The building would be 'future-proofed' with an additional 512m<sup>2</sup> of office space being set aside for future growth and expansion within the current footprint of the building.
6. The building would be finished using a mixture of glazing, buff brick, timber panels, stone and render intended to break down the scale of the building with a green roof. Details of materials and colours would be confirmed through condition. The building would sit beneath the height of surrounding trees and vegetation. Although a number of trees would require removal in order to facilitate the development, it is proposed that boundary landscaping would be enhanced and additional trees planted.
7. Vehicular access to the site would be taken from the existing access point on Aykley Heads Road to the north. The existing access would be widened and improved to adoptable standards. Car parking is proposed in the eastern most part of the site over the two croquet pitches with vehicular and pedestrian access from the north east along the existing access to the main site entrance. Pedestrian access would also be gained from existing routes from the south. Links would be maintained to existing footpaths in the vicinity.
8. The application is reported to the Central and East Area Planning Committee because it is less than 2 hectares in area and the local member, Councillor Holland requested determination at Committee as he considers it to be a sensitive site overlooking the cathedral and is constrained through the saved City of Durham Local Plan.

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## **PLANNING HISTORY**

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9. Planning permission was granted in 1998 for office development at Aykley Heads which encroaches onto the site in the north western corner of the current application site.

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## PLANNING POLICY

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### NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
12. *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 a low carbon future.
13. *NPPF Part 2 – Ensuring the vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
14. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *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.
16. *Part 8 – Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in *helping* shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

18. *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/unstable land.
19. *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.
20. 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.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters including ensuring the vitality of town centres, design, landscape, ecology, air quality, sustainable travel; transport assessments and statements, flood risk and planning conditions

<http://planningguidance.planningportal.gov.uk/>

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

City of Durham Local Plan (2004) (CDLP)

22. *Policy E1 – Durham City Green Belt.* Reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
23. *Policy E3 (World Heritage Site).* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
24. *Policy E5 – Open Spaces within Durham City.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
25. *Policy E5a – Open Spaces within Settlement Boundaries.* Does not permit proposals which would detract from the functional, visual and environmental attributes they possess.
26. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
27. *Policy E14 – Protection of Existing Trees and Hedgerows.* Views hedgerows and trees as a valuable resource to be protected when new development is being considered.
28. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.

29. *Policy E16 – Nature Conservation – the Natural Environment.* 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.
30. *Policy E21 – Historic Environment.* The Council will preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest and encourage retention repair and re-use of buildings and structures which are not listed but are of visual and local interest.
31. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
32. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
33. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
34. *Policy EMP4(3) – Business Parks* the sites will generally be occupied by B1 uses. The development of the sites at Aykley Heads would be subject to the replacement of sports pitches within the locality.
35. *Policy EMP14 – Office Development Elsewhere* –This Policy relates to proposed office development outside of any identified local centre. It states that Office development in the location proposed would be acceptable provided that there would be no significant adverse impact upon the amenity of neighbouring occupiers, provided that the site is accessible by a choice of means of transport having particular regard to the needs of public transport, pedestrians and cyclists and provided the site is served by roads capable of handling any traffic that would be generated.
36. *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.
37. *Policy T20 - Cycle Facilities* – Seeks to encourage appropriately located, secure parking provision for cyclists.
38. *Policy T21 – Walkers Needs* – the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
39. *Policy R3 – Protection of Outdoor Recreation Facilities* – seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall

level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

40. *Policy Q1 – General Principles Designing for People* – requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
41. *Policy Q2 – General Principles Designing for Accessibility* – the layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
42. *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.
43. *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.
44. *Policy Q7 – Layout and Design – Industrial and Business Development*
45. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
46. *Policy U5 – Pollution Prevention – General.* States that development that may generate pollution will not be granted if that pollution would have an unacceptable adverse impact upon the quality of the local environment, upon the amenity of neighbouring occupiers or would unnecessarily constrain the development of neighbouring land.
47. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. 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.
48. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
49. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

#### **EMERGING POLICY:**

The County Durham Plan



50. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

### *Neighbourhood Plans*

51. A Durham City Neighbourhood Forum is established in the City and has an approved neighbourhood area incorporating the site. The Forum has carried out issues consultation events and has been gathering and assessing evidence but has not reach the stage of a Draft Plan. As such, in accord with the guidance in the PPG in relation to prematurity, the project has yet to reach a point where it is material to planning decisions.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494> (Durham City Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### Statutory Responses:

52. *Highways Authority* – raise no objections considering that it has been demonstrated that the site is in an accessible location for public transport and other sustainable travel modes and that car and cycle parking provision would meet the Council's parking standards. It is noted that the development would attract and discharge traffic through the Aykley Heads roundabout at the west of the access road and on to the A690 and A167 through the city. It is recognised that the development would operate on a shift basis and a trip generation analysis has been undertaken. The arrivals and departure profile prepared for the development indicates that, due to shift patterns, arrivals and departures at peak times would not have a material effect on the highway network. It is requested through condition that detail of type and location of cycle parking be submitted to and approved by the LPA in advance of commencement of the scheme.
53. *Environment Agency* – have no comment to make on the application, falling outside the scope of matters on which the Environment Agency is a statutory consultee.
54. *Northumbrian Water* – does not object to the proposal but considers that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess its capacity to treat the flows from the development. A condition is therefore requested requiring a detailed scheme for the disposal of foul and surface water from the development.
55. *Drainage and Coastal Protection* – Raise no objections to the development. Officers consider that in principle, the proposal with regard to managing surface water run-off on the site as set out in the submitted Flood Risk Assessment seems satisfactory.

Confirmation of the drainage proposals following the results of the percolation tests is requested.

#### INTERNAL CONSULTEE RESPONSES:

56. *Spatial Policy* – raise no objection considering that this is an acceptable proposal. This proposal represents a major benefit to the local economy, bringing 250 jobs and a high quality building design in keeping with the Council's aspirations for the Aykley Head area. It is positive indication that this is an attractive location for investment. The site is within the settlement boundary for the City in the Saved Local Plan and policy permits employment uses on unallocated sites, indeed part of the site falls within the allocated Aykley Heads Business Park (EMP4.3). Assessment of the saved policy (EMP14) shows that it is not consistent with the NPPF which requires sequential and impact tests for office use outside town centres. Assessment on that matter indicates that alternative sites are not available and that impact upon investment in the City Centre will not be affected. As such the proposal is considered to be acceptable as a land use when assessed against saved policy in the context of the requirements of the NPPF.
57. The proposal also accords with the aspirations of the emerging CDP, with the site part of a strategic allocation for employment use (Policy 7). Nevertheless, it is a development of a relatively limited scale, approval of which wouldn't undermine the ability to take the CDP forward in relation to whatever future approach is decide for the strategic site. In relation to matters of detail, specialist colleague comments will indicate whether there are matters to address but this scheme does seem to be well contained and have limited impact so that any concerns that do emerge will need to be weighed up carefully in the planning balance. The creation of 250 jobs and a high quality building weighs positively in the economic and social elements sets out at paragraph 7 of the NPPF.
58. *Landscape* – No objections are raised to the proposal. It is noted that there is a discrepancy between submitted plans in respect of a possible amphitheatre. Through condition details are requested noting that the special character of the location here the hillside, mature woodland and permissive path is delicate. It is stated that the development should not overtly visually impose on this part of the site, to an extent that damage to the visual amenity value of this vestige of the old Aykley heads Estate results.
59. *Arboriculture* – raise no objections. It is considered that the arboricultural information supplied is satisfactory and complies with current industry standards. Advice is provided as to works that would be required prior to the commencement of the development in relation to tree removal, pruning and protection. Such matters could be covered by Condition. Comments are made regarding a possible amphitheatre and the potential impact this may have with the suggestion that an alternative gathering space be sought which would not result in the loss of a valuable group of trees that would enhance and screen the proposed building.
60. *Ecology* – have no objection to this proposal. Officers recommend that the biodiversity design principles detailed by Penn Associates are fully implemented should this proposal be granted.
61. *Environment, Health & Consumer Protection (Noise, smoke and lighting)* – Do not object to the development in principle however in order to minimise the environmental impact a number of conditions are requested as there are a number of nearby commercial premises that may be affected by the construction works. Conditions

include a construction management plan and specific conditions to control noise, possible burning of waste on site, ensuring that there are adequate dust control measures in place and working hours during construction. Due to the fact that there are no nearby residential premises no comments are made relating to light impact. Comments provided relate to the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.

62. *Environment, Health and Consumer Protection (Air Quality)* – The proposed development is not located within or immediately adjacent to the boundary of the declared Air Quality Management Area (AQMA) in Durham City. However, it is in close proximity to local routes that feed into the AQMA comprising the A697 and the A690. The office and associated car parking development exceed the criteria set out in the first stage of nationally recognised two part screening process (the provision of >10 parking spaces) and therefore consideration should be given to the indicative criteria in the second stage of the screening process and in particular the magnitude of change in light duty traffic flows. Officers advise that it is only necessary to undertake an air quality assessment where the indicative criteria thresholds are exceeded, these being >100 Annual Average Daily Traffic (AADT) flow at locations that are within or adjacent to the AQMA and greater than 500 AADT elsewhere. Officers note that a travel plan has been submitted to support the application and consider a requirement for the submission, approval and implementation of a travel plan should be included.
63. *Design and Conservation* – No objections are raised. It is considered that the proposed development has been designed to sit within the context of a mature landscape with the building designed to around the existing site features. The material palette has been used along with the roofscape to break down the building further so that it sits comfortably within its landscape setting. The architectural style follows the arguably successful previous development at The Rivergreen centre. The proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. As such the proposals are supported subject to conditions associated with material samples.
64. *Archaeology* – No objections are made. Officers confirm that there is no requirement for any further archaeological work and that the Council's Conservation Section is satisfied that there would be no detrimental impact on the setting of designated heritage assets in the vicinity.
65. *Economic Development – TRT* – notes that regards to this application based on a total investment of £8.7m over a 12 month build period, officers would expect during the construction phase an estimated 204 person weeks could be attributed to a scheme of this size/duration which equates to 4 FTE job opportunities/ apprenticeships or a cash contribution of £10,000 (4\*£2,500) to support employment and skills opportunities in Durham. It is therefore requested that TRT is included within the planners report for Committee for consideration and a clause included within any S106 agreement to secure employment and skills training that would assist the local community by improving job prospects and employability.
66. *Sustainability* – No objections are raised in principal to the application. No issues are raised in terms of location as long as all mitigation pertaining to ecology and landscape are taken into account. The development proposal has been considered in terms of economic, social and environmental sustainability principles. In terms of embedding sustainability the applicant has confirmed a fabric first approach with low air permeability and high levels of insulation. The applicant has also confirmed that it is not intended to provide any renewable technologies. However, it is considered that information pertaining to sustainability and energy is lacking and further information is requested. In terms of embedded sustainability, it is requested that any planning

permission be conditional on an embedded sustainability scheme being approved prior to development commencing. Officers consider that the development must meet BREEAM very good as a minimum standard. Also in line with Policy 16j of the emerging County Durham Plan and the Aykley Heads SPD the applicant should ensure that if a district energy scheme be developed on Aykley Heads, as part of the wider redevelopment, the building is connectable.

## **PUBLIC RESPONSES:**

67. The application was advertised in the press, on site and in the locality. 7 letters of objection and 1 letter raising concerns have been received. The issues raised are summarised below.

### *Landscape and Visual impact*

- The development is already being punished by development work which is not wanted by residents and not in-keeping with the semi-rural surroundings considering that the proposal is potentially a visual amenity.
- There would be a loss of greenery as a result of the proposals.

### *Loss of open space*

- This area is a tranquil, attractive green space, allowing a number of different groups to pursue a variety of different interests.
- The site is considered to be a valuable public area popular with families and dog walkers and is considered to be easy access for people with limited mobility.
- The development would further erode open space at Aykley Heads and remove some of the only easily accessible open space remaining in the area.
- The application form itself says that the site is currently vacant. The site is only currently vacant because the council stopped the Croquet Club using the facility and forced them to relocate prior to the application being made.

### *Traffic and access*

- The proposal would generate even greater levels of vehicular usage on already overcrowded access roads at peak times including arrival and departure times for Trinity School
- The area is already suffering from the impact of ill thought out developments which have created dangerous road conditions and unacceptable levels of irresponsible, dangerous and illegal parking.
- Concerns are specifically raised regarding traffic management at Trinity School and of potential problems that could arise from the new development as well as further destroying the ambience of Dunholme Close. Criticism is made of the Planning Department and Police in terms of traffic issues at the School.
- It is considered that the Transport Statement does not take into account of the traffic flow generated by other businesses/organisations in the area, which will ultimately need to use the roundabout and junctions adjacent to the entrance to the hospital. Nor does it take into account the proposal to build housing on the old Police HQ site.
- Existing infrastructure does not support the volume of traffic and this development will only make it worse.
- The conclusion of the Transport Statement that Atom Bank HQ should not cause issues to the current traffic network is fundamentally flawed. It is stated that Aykley Heads Road is a cul-de-sac and therefore any additional traffic on this road will create traffic flow problems.

### *Ecology*

- Impacts upon wildlife are raised as concerns.

### *Drainage*

- Impacts upon drainage are raised as concerns.

### *Alternative locations*

- Development of this open space is not considered necessary in this location noting it is immediately adjacent to several already vacant properties including the former Sunderland Marine building and the former Police Headquarters.
- The development should take place on land more suitable for commercial development eg. Belmont Industrial estate.
- There is no demonstrated need for more office space locally.
- Only once all 'brown field' sites are used should the green spaces be considered for development, and if not then the reasons for choosing green field sites over brown field site should be carefully scrutinised.
- The HQ of Atom Bank could be located elsewhere and still bring great job opportunities to Durham.
- Whilst appreciative of the economic value in promoting Durham as a centre for business, the location proposed is a unique space and has great value in the community. It would be appreciated if the proposition would be reconsidered and other sites explored.

### *Other matters*

- The opinion is expressed that objections will make no difference to the Council who disregards the views of the masses and undertakes development work not wanted in the City and at Aykley Heads.
  - The submitted planning statement refers to the emerging County Durham Plan but given the position with the Plan it is considered that the statement is no longer valid.
  - The allocation for Aykley Heads in the in the County Durham as “commercial business hub” was not wanted by residents and it is queried how the Council can proceed with the development proposal before the judicial review has been conducted.
  - The application is not considered to accord with the NPPF in terms of location and protecting and enhancing our natural, built and historic environment.
  - The description of the site as former croquet lawns is misleading as they could be returned to recreational use with a single pass of a grass cutter.
  - It is stated that a plan to develop our way out of recession by mass construction of housing and office space has not worked since the regeneration of the coalfields started 30 years ago and it is queried how many empty business parks are needed.
68. *Durham Constabulary* – has no objections to the planning application providing there are no restrictions to accessing its land via a vehicle as it currently does. Durham Constabulary has 2 entrances to the all-weather pitch, 1 directly opposite the turning point and one at the bottom end. They need to drive out of the alternative exit from our new HQ so this is an alternative exit road for the Police. The Constabulary also would need to be assured that there is not a kerb edging or similar to the access road layout, which would restrict passing or accessing its land.

### **APPLICANTS STATEMENT:**

69. This application has undergone a lengthy period of dialogue with planning officers and the present application was validated on 21 August 2015. This planning application

seeks permission for the erection of a commercial office building to serve as the headquarters for an internet bank (Atom Bank) on land at Aykley Heads, Durham.

70. It is considered that the proposed development is in accordance with both the adopted local policies and the emerging County Durham Plan and Aykley Heads SPD as the site is within an allocated employment site. Furthermore, the proposed development will create 250 new jobs and help promote and drive further investment within the Aykley Heads strategic employment site meeting both national and local economic objectives and targets.
71. It has been demonstrated that the proposed development will not have a detrimental impact upon the croquet club who currently use the site as they have agreed to relocate to alternative suitable facilities nearby at East Durham College's Houghall Campus in Durham City.
72. A strong landscape setting will be retained and enhanced on site helping to contribute to the wider aim of achieving a high quality City Park, as set out within the County Durham Plan. The site is well contained and screened by existing vegetation, buildings and topography and as such will not impact upon the setting, appearance or character of nearby Listed Buildings or the Durham City Conservation Area.
73. Appropriate mitigation measures will be put in place, in accordance with the Council's Ecology Surveys, to ensure that the impact upon ecology is minimised and that a high quality environment for wildlife is provided. Adequate access and car parking will be provided within the site and existing footpaths will be retained, providing quick access to nearby public transport services.

*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/applicationDetails.do?activeTab=documents&keyVal=MX6956BN5B000>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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74. 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 considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of development, layout and design, impact upon its surroundings, landscape, ecology and nature conservation, residential amenity, highway safety, access and traffic, flood risk, archaeology, loss of open space and other matters.

### Principle of development

75. The National Planning Policy Framework (NPPF) outlines that significant weight should be placed on the need to support economic growth through the planning system. It is considered that the proposal meets with NPPF objectives in terms of building a strong competitive economy.
76. The majority of the site is unallocated land within the settlement boundary for Durham City and as such must be assessed against CDLP Policy EMP14. Policy EMP14 confirms that office development within settlement boundaries but outside allocated areas is permissible if: there would be no significant impact on amenity; the site is accessible by a choice of means of transport; and, the site can be served by roads capable of accommodating likely increase in traffic. CDLP Policy EMP14 is not

consistent with the NPPF as office development is defined as a town centre use within Annex B of the NPPF.

### *Sequential test*

77. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to applications for main town centre uses not in existing centres and are not in accordance with an up-to-date Local Plan. However, in the case of Durham City, the town centre is constrained in scale by topography and its internationally important historic environment, which as a result, limits available alternative sites.
78. Several alternative sites have been considered these being: Former baths site – Old Elvet, Whinney Hill Former School Site; The Gates Shopping Centre; Former Ice Rink office development; North Road Bus Station Site; Millburngate House redevelopment; Former Council Office – Claypath and Land Adjacent to Durham Station Car Park. Each have their own constraints to future development be it flood risk, size, being subject to current planning applications, long term redevelopment proposals or having now been developed.
79. The assessment of sequentially alternative City Centre and edge of City Centre sites shows no realistic alternatives to the proposed site and as such it is considered that the proposal meets the requirements of the NPPF.

### *Impact Assessment*

80. Paragraph 26 of the NPPF also requires an impact assessment if the proposal exceeds 2,500 m<sup>2</sup> (this proposal is for 4,242m<sup>2</sup>), in this context, upon existing, committed or planned public and private investment in the centre. In terms of the sites considered in relation to the sequential test, only the Millburngate House redevelopment could be considered to be a comparative development. This is understood to be a medium/longer term project and has a range of proposed uses within the mixed use scheme so that it is not reliant upon office development for its delivery. As such it is concluded that there is no impact upon planned investment.
81. It is not considered that the proposal would impact upon investment in the city centre meeting the requirements of NPPF. This being the case the proposal is considered to be acceptable as a land use on the site when the lack of consistency of CDLP Policy EMP14 is addressed in relation to requirements of the NPPF.

### *Local Plan Policy*

82. Although CDLP Policy EMP14 is not considered to be consistent with the NPPF or have significant weight, the application can still be assessed against this Policy. In relation to the criteria set out in CDLP Policy EMP14 there is a requirement to consider the impact upon neighbouring occupiers. The application site is adjacent to other office uses and is a reasonable distance from residential development and is considered acceptable in this context. There is also a requirement to consider accessibility, notably in relation to public transport and cycling and walking. The site is within about 300m of main bus routes and is adjacent to the cycle and footway network between the city centre and Newton Hall. As such it is extremely well located to encourage staff to consider means of transport other than the private car. CDLP Policy EMP14 also requires that roads are capable of accommodating traffic generated by the development. Access and traffic are considered below.
83. CDLP Policy EMP4(3) (considered to be consistent with the NPPF) allocates land adjacent to the site as the Aykley Heads business park. The proposed vehicular

access to the site runs across this allocation so that part of the proposal could be considered to be being developed on land allocated for business use (i.e. B1). The justification to Policy EMP4(3) explains the intention to achieve a business park within a mature parkland landscape. In this context the proposal will contribute to this aim.

84. The supporting text, which accompanies CDLP Policy EMP4(3), also notes that the Local Planning Authority will need to be satisfied that office developments at Aykley Heads comply with CDLP Policies E3, E5 and R3. These Policies relate to the protection of the intrinsic character and environmental quality of the mature parkland landscape of Aykley Heads; the protection of the setting of the Cathedral and Castle World Heritage Site; and the protection of open space respectively. These issues are considered in more detail in the relevant sections of this report.
85. Although no weight can be attributed to it, CDP Policy 7 allocates Aykley Heads as a high quality employment site and the application site is within this proposed allocation. This proposal is within the existing settlement boundary and is well related to the current saved allocation. Development on this site would not undermine the future direction of the CDP whether the strategic site was to go ahead in the future or not but it is notable that Atom Bank see this as a location to develop their fledgling business, vindicating the Council's view that this is an attractive location for high end businesses to develop high quality headquarters.
86. To support CDLP Policy 7 a Supplementary Planning Document (SPD) was prepared for the Aykley Heads proposal. Although no weight can be applied to the SPD it can be regarded as background evidence and is useful here in highlighting the approach proposed. Within the SPD the application site is shown as Development Area E, with estimated capacity for 9,450m<sup>2</sup> of new employment floorspace. In this context, therefore the proposal is in accord with the aspirations of the SPD.
87. The proposal meets the CDP Policy 7 requirements, notably: for attractive, high quality design incorporating sustainable design principles; and for a strong landscape framework which capitalises on the site's natural landscape features.
88. Objectors consider that documents submitted with the application referring to the CDP plan and proposed allocation of the site are no longer valid. The position with regard to the CDP is set out above-

### *Summary*

89. The proposals aim to provide a high quality commercial office building which would serve as the headquarters for an internet bank bringing some 250 jobs and helping to support the wider economy, services and facilities. The proposed development would be an appropriate landuse in relation to the similar adjacent uses such as the Police Headquarters and other office developments.
90. It is considered that the development is unlikely to have significant adverse impacts upon the viability and vitality of the City centre. The proposal accords with CDLP Policies EMP14 and EMP4(3) and is consistent with the direction of the CDP for this part of the City. The proposal does not conflict with Part 2 of the NPPF and would meet the objectives of Part 1 of the NPPF.
91. Objectors to the proposal have queried why alternative sites, including Salvus House, are not being considered for the proposed development. As set out above a sequential test has been undertaken and an assessment of alternative sites in accordance with the requirements of the NPPF and assessed against relevant



development plan policies and the Council's aspirations for the Aykley Heads site. It is concluded that the principle of the development in this location is acceptable with matters of detail being considered below.

## Layout and Design

92. CDLP Policies Q1 and Q2, both consistent with the NPPF, set criteria to require proposals to address safety, crime prevention, accessibility, layout and design and parking layouts.
93. The proposed development is considered to be acceptable in terms of design and layout. The building is considered to be in keeping with the surrounding area and its purported use, and the layout makes the most of the topography and existing landscaping on the site.
94. The proposed development has been designed to sit within the context of a mature landscape with the building designed to around the existing site features. The material palette has been used along with the roofscape to break down the building further so that it sits comfortably within its landscape setting. The architectural style follows the arguably successful previous development at The Rivergreen centre. The proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. The proposals are supported subject to conditions associated with material samples
95. The scale of the building is principally a two storey development with a low pitched articulated and overhanging roof broken and articulated by cut outs and projecting roof windows. The buildings mass has been designed to sit within a mature landscape and the material palette has been articulated to assist in breaking down the overall massing.
96. The layout has been designed in a U shape which comprises a central core to the front elevation, connected by a circulation route between two areas of office accommodation. Opposite the central core the social/break out spaces are located to maximise key views out of the site.
97. The building has been designed around the existing site features to maximise the shading from the existing trees on site. The building layout has been orientated to reduce the amount of office accommodation to the south and face the accommodation to the east and west to make use of the existing links into site. The trees would be used to screen the building and blur the boundaries between the existing context and building structure. The office accommodation is orientated to offer views out to the east and west through gable ends which maximise daylighting into the working environment without causing glare or overheating.
98. The aesthetics and architectural style are similar to and follow the successful previous development at The Rivergreen centre in that the building designed to sit within and be sensitive to the landscape context. The proposal represents a high quality and sustainable design not unlike the Rivergreen Centre nearby which sits well in its setting and is of a quality in keeping with the existing and intended nature of the Aykley Heads business park. Design Officers have raised no objections with the design of the proposed building.
99. The layout of the car park seeks to minimise conflict between pedestrians, cyclists and motor vehicles. A parking strategy for cars, cycles and for vehicles used by people with disabilities has been agreed with the Council. Furthermore, the site can be accessed by those using public transport. There is sufficient access for vehicles

servicing the development and emergency vehicles. In this context, the development is in compliance with CDLP Policy Q2;

100. The proposed surface car park will be adequately surfaced, demarcated, lit, signed and landscaped. In this context, the proposed car park is considered to be in compliance with CDLP Policy Q3, a Policy considered to be consistent with the NPPF.
101. The detailed landscape proposals are considered in more detail under the relevant section of this report, however in principle the proposals are considered to be of a high quality design and have been sensitively integrated into the surrounding landscape. They are therefore in compliance with CDLP Policy Q5.
102. The proposal represents a high quality and sustainable design not unlike the Rivergreen Centre nearby which sits well in its setting and is of a quality in keeping with the existing and intended nature of the Aykley Heads business park. The proposal would accord with CDLP Policies Q1 and Q2 and Part 7 of the NPPF.
103. CDLP Policy Q15 (considered to be partially consistent with the NPPF) requires artistic elements to be incorporated into the design and layout of developments. If such elements are not included in proposals it is normal to require a financial contribution in lieu of on-site provision. In this case there are no specific artistic elements proposed. This matter can be addressed via a condition.

#### Impact upon its Surroundings

104. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
105. The site is located within the former estate of Aykley Heads dating from the 17<sup>th</sup> Century. There are no designated heritage assets within the application site but are three within 300m. These being the Grade II\* Aykley Heads House, the Grade II radio mast that formed part of the former Police Headquarters and Grade II gates piers and wall at County Hall. Historical development, including County Hall, has long since compromised the original house and its associated landscape.
106. The Durham City Centre Conservation area is approximately 300m to the south that includes Durham Castle and Cathedral World Heritage Site. The site sits within the theoretical zone of visibility from the Cathedral World Heritage Site, and it is theoretically visible in views that make the wider setting of the World Heritage Site towards Findon Hill.
107. The purpose of CDLP Policy E3 is to protect the Durham Cathedral and Castle World Heritage Site (WHS) and its setting, including local and long distance views of the WHS. CDLP Policy E3 is considered to be consistent with the NPPF/PPG. The Policy seeks to protect the site and setting of the Cathedral and Castle World Heritage Site (WHS). Notably in the context of this proposal is the requirement to safeguard

local and long distance views. The development is effectively to be constructed within a treed landscape and is of a height that means that it remains well below the tree line. It is considered to be “tucked” into a natural screening belt and it is on the western side of the plateau area that generally comprises Aykley Heads and that drops further to the east and south of the site. As such it is considered to have no impact upon the setting of the WHS.

108. The building would sit beneath the height of surrounding trees and vegetation and be constructed from sympathetic and sustainable materials which will ensure that the building does not detract from the character or appearance of the landscape setting.
109. The submitted Planning Statement notes that the site is well contained and screened by existing vegetation, buildings and topography and as such would not have a detrimental impact upon the appearance, character or setting of any of the listed buildings or the Conservation Area.
110. Design and Conservation officers concur considering that the proposed development due to its scale and setting within a mature landscape shielded from view does not impact on the setting of any designated heritage assets. As such the proposal is considered to accord with CDLP Policy E3. Nor is considered that there would be harm to the setting of listed buildings in the vicinity of the site and as such there would be no conflict with CDLP Policy E23, a Policy considered compatible with the NPPF.
111. The proposed building would not be visible in views of the World Heritage Site being two storeys in height and not visible above the tree line. There would be no significant adverse impact upon designated and non-designated heritage assets in the surrounding area or the Durham Cathedral and Castle World Heritage site as a result of the proposed development. The proposed development would therefore accord with CDLP Policy E16 and Part 11 of the NPPF.
112. CDLP Policy E5a, considered to be consistent with the NPPF, seeks to protect open spaces that contribute to character or that possess important functional, visual or environmental attributes. The application site is an open site including the former croquet pitches but is within a wider area comprising low density office development within a high quality landscape environment. In this context the proposal is considered acceptable.
113. CDLP Policy E5, again considered to be consistent with the NPPF, relates specifically to the allocated business park, with only the site access within the allocation. That part of the site, the access, within CDLP Policy EMP4(3) would not conflict with Policy E5.
114. It is considered that the proposals are also in accordance with CDLP Policies Q5 and Q7, which require that new development meets an appropriately high standard of design and landscaping.
115. As part of the development it will be necessary to improve the existing access road and to landscape the proposed car parking area. CDLP Policy E14 (consistent with the NPPF) requires development to retain areas of woodland, important groups of trees, copses, and individual trees and hedgerows. The loss of a number of trees would occur with the majority remaining.
116. An Area of High Landscape Value is located approximately 15m to the south east of the site and the North Durham Green Belt some 50m to the south east. Although relatively close, the application site is not located within the AHLV. Consideration has been given to the impact of the proposal in accordance with the requirements of CDLP

Policies E5 and E10 (E10 is considered to partially compliant with the NPPF) and is not considered that the proposal would conflict with those Policies and would not comprise the quality of the adjacent AHLV.

117. Objectors to the proposed development refer to the loss of the application site as open space for recreational use. It is the case that the area is private land not identified for recreational use and access to it is at the discretion of the land owner. The croquet club have used the eastern most pitches in recent times but alternative provision is to be provided at Houghall (East Durham College).

## Landscape

118. CDLP Policy E14 (assessed as consistent with NPPF/PPG) seeks to protect existing trees and hedgerows wherever possible. CDLP Policy EMP4(3) requires development to retain areas of woodland, important groups of trees, copses, and individual trees and hedgerows. CDLP Policy E15 (assessed as consistent with NPPF/PPG) encourages tree and hedgerow planting.
119. A full arboricultural impact assessment has been undertaken involving the surveying of trees on site. A number of trees have been identified for removal to facilitate the development (the building, possibly for a proposed path and for road widening works). Several of the trees to be removed are unsuitable for retention or have structural defects. The report recommends a number of protection measures for retained trees that include construction exclusion zones and protective barriers around the root protection zones. These measures can be secured through condition. Through the landscaping proposals additional trees would be planted, the detail of which can be required through condition.
120. An outdoor amphitheatre is shown on the submitted landscaping plans to the west of the proposed building. This is intended to be an external gathering space for employees, where it is envisaged that meetings and presentations may take place. Landscape and Arboricultural officers have highlighted concerns regarding the possible amphitheatre in the north western part of the site and the potential impact on the visual amenity value of that area of the old Aykley Heads estate as opposed to the impact on the WHS. Proposals for any works in the north western part of the site would be required through condition.
121. Landscape officers have raised no concerns to the removal of trees to accommodate the proposed development. Arboricultural officers raise no objections to the proposals considering the submitted arboricultural information to be satisfactory complying with current industry standards. Through condition details relating to tree removal, pruning and protection would be secured.
122. The proposed development is therefore considered to be in accordance with CDLP Policies EMP4(3), E14, E15 and Q5 as well as paragraph 109 of the NPPF.

## Ecology and Nature Conservation

123. There are no ecological sites within the application area, the closest being Hopper's Wood over 550m (at its closest point) to the north east which is also an area of ancient

woodland. CDLP Policy E16, being consistent with the NPPF and PPG seeks to protect and enhance nature conservation assets.

124. The presence of protected species such as Great Crested Newts (GCN) is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System). In addition under the requirements of the Conservation of Habitats and Species (Amendment) Regulations 2012 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a species protected by the legislation. It is possible to carry out works which may impact adversely on European Protected Species under licence from Natural England. Regulation 9 the Habitats Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England if there the application is likely to have a significant effect on a European Protected Species. This requires an examination of the derogation provisions provided within the legislation. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained.
125. An Extended Phase 1 Habitat Survey was been submitted with the planning application. The survey concludes that no protected habitats were found within the development areas but notes that there are mature trees and scrub which will have biodiversity value. No bat roosts were found on site but it is considered that site is important to support foraging common pipistrelles. Badgers and great crested newts are not present on site. It therefore follows that the derogation tests do not need to be undertaken. It is noted that the development areas and surrounding habitat present high quality habitat for nesting birds.
126. The Extended Phase 1 Habitat Survey recommends a number of mitigation measures which can be secured through condition. The mitigation measures include the retention of mature trees where possible; checks for bird nests by qualified ecologists during site clearance work; felling of trees outside of the bird nesting season; the use of suitable lighting schemes, and native habitat creation and replacement tree planting. A Biodiversity Design Guide also accompanies the application. The guide is based on the Extended Phase 1 Habitat Survey and illustrates the biodiversity design ideas and objectives incorporated into the proposals.
127. Ecology officers have no objection to this proposal. Officers recommend that the biodiversity design principles detailed by Penn Associates are fully implemented should this proposal be granted.
128. It is noted that one objector raised impacts upon wildlife as a concern. It is the case that there are no significant nature conservation interests within the site. The proposed development offers the potential to enhance the nature conservation value of the site through the proposed landscaping and mitigation techniques. As such no objections are therefore raised to the development in accordance with CDLP Policy E16 and Pat 11 of the NPPF.

129. Aykley Heads is a mix of commercial and residential uses. The closest residential properties are at Dunholme Close and Aykley Vale to the north west of the application site. The closest property is over 185m from the site entrance (1 Dunholme Close). Given the distance from the proposed development and intervening uses it is not considered that the proposed development would adversely affect residential amenity.
130. Environment, Health & Consumer Protection officers recognise that there are a number of nearby commercial premises (as opposed to residential) that may be affected by the construction works and request conditions in order to minimise the environmental impact. Officers specifically state that no comments are made relating to light impact due to the fact that there are no nearby residential premises.
131. The tests set out in paragraph 123 of the NPPF require that planning decisions avoid noise from giving rise to significant adverse impacts on health and quality of life. Environment, Health and Consumer Protection officers raise no objections to the proposals. Nevertheless, Environment, Health & Consumer Protection officers highlight that there are a number of nearby commercial premises that may be affected by the construction works and request conditions to control the construction of the proposed development. Conditions would require the submission of a construction management plan, control of noise, burning of waste, provision of adequate dust control measures in place and working hours.
132. In terms of air quality an Air Quality Management Area (AQMA) has been designated on key routes through the City. The proposed development is not located within or immediately adjacent to the boundary of the AQMA. The proposal has potential to increase the amount of traffic moving through the AQMA but would not be so great as to require an air quality assessment to be undertaken.
133. It is considered that the proposal would not have an unacceptable impact on residential amenity and the imposition of conditions would seek to ensure this. The proposals would accord with CDLP Policy U5 and paragraph 123 of the NPPF.

#### Highway safety, access and traffic

134. The site would be accessed by an existing access from Aykley Heads Road. A footpath runs along the site of the road, the two being separated by a fence. It is proposed that the existing access is widened and be constructed to adoptable standards with details to be agreed through condition.
135. Parking would be provided within the site for 146 cars including 9 accessible/disabled spaces. It is also proposed to provide cycle and motor cycle parking and 2 electric vehicle charging points. Details of which would be required through condition. The proposed surface car park will be adequately surfaced, demarcated, and landscaped. In this context, the proposed car park is considered to be in compliance with CDLP Policies Q3 and T20.
136. The site can be accessed by those using public transport. There is sufficient access for vehicles servicing the development and emergency vehicles. In this context, the development is in compliance with CDLP Policy Q2.
137. A Transport Statement has been submitted in support of the planning application based on a future projected work force of 360 as opposed to 250. This Statement considers existing transport conditions, existing transport network, committed

development and trip generation from the proposed development. It concludes that the main traffic flows to the proposed development would be outside of peak hours and should not cause issues on the current traffic network. It is stated that due to the flexible nature of the Atom organisation there would not be the traditional issue of traffic congestion at peak hours with arrivals and departures occurring freely throughout the day. It is considered that demand from the new development would have minimal impact on the Aykley Heads roundabout. It is acknowledged that there would be some arrival and departure of core management staff at peak hours. However the peak hour trip generation is not considered material and would be within the expected daily variation in traffic demand for this part of the network. It is stated that in order to further reduce the vehicular movement to and from the proposed development, Atom Bank will commit to the adoption of a Workplace Travel Plan.

138. Although a Travel Plan has been submitted in support of the application. It is considered appropriate that a condition is attached to any grant of planning permission to ensure a revised Travel Plan is agreed prior to occupation of the building.
139. Highways officers raise no objections considering that arrivals and departures at peak times would not have a material effect on the highway network. The proposed access and parking arrangements are considered to be acceptable subject to conditions being attached to any grant of planning permission to require detailed plans and implementation prior to works commencing on site.
140. The proposal is considered to accord with CDLP Policy T1, which states that planning permission will only be granted if it can be demonstrated that the development will not have a detrimental impact on highway safety or the amenity of surrounding residents and businesses. However, CDLP Policy T1 is considered to be partially consistent with the NPPF which highlights that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
141. The proposed site is considered to be highly accessible. It is accessible by a range of public transport services, with bus stops around 500m from the site and Durham Rail station within a 1.5km walk. A park and ride facility also lies to the north west. Furthermore, the site is accessible by an extensive pedestrian footpath network and cycle routes. In this context, the application proposals would be consistent with CDLP Policies T19 and the NPPF's objectives in this regard.
142. The Highways Authority raise no objections. Through condition details of the proposed access improvements, car parking, location of cycle parking and provision of a travel plan can be required through condition.
143. Objectors to the proposal raise concerns regarding the potential impact of increased vehicle movements as a result of the proposed development in combination with other developments and in particular, Trinity School as site with ongoing concerns by residents. Highways officers note that the Bank would employ 360 personnel on a 3 shift system with start times of 06:00; 14:00; 22:00. Peak arrivals and departures to the development will be outside the background traffic peak hours which are 08:00 to 09:00 and 17:00 to 18:00 for the local road network. It is noted that there would be some arrival and departure of core management staff at peak hours (25am and 15 pm peak), however the peak hour trip generation would not be considered material and would be within the expected daily variation in traffic demand for this part of the network. Highways officers consider there would be no need to model junctions with such a level of increase in traffic flows.

144. No definitive public rights of way would be affected by the proposed development. As the site is currently open space and undeveloped members of the public access the site both as destination in terms of dog walking and also as a short cut to access other destinations. The development of the site would prevent this current informal use but links would be maintained to existing footpaths in the vicinity. The proposals would not be contrary to CDLP Policies R11 and T21. Given the location of the site is ideal in relation to its proximity to public transport, notably bus routes but it is also well related to the railway station and walking and cycle routes.
145. The objectives of CDLP Policies T1, Q2 and T10 of the CDLP and Part 4 of the NPPF are considered to have been met.
146. Concerns raised by the Durham Constabulary regarding access have been noted and no conflict between the two developments would occur. Details of the access would be required through condition.

#### Archaeology

147. An archaeological desk-based assessment has been submitted with the application. The assessment concludes that no archaeological deposits have been identified which require preservation in situ. Given the limited potential for archaeological remains to be present, and the landscaping that has taken place on the site, further archaeological works are not recommended. Archaeology officers confirm that there is no requirement for any further archaeological work. The development is therefore considered to comply with CDLP Policies E21 and E24, both being considered compatible with the NPPF.

#### Flood Risk

148. A Flood Risk Assessment (FRA) was submitted with the application. The FRA concludes that the development site area is shown to be within flood zone 1 and has a low annual probability of fluvial flooding. Similarly strategic level evidence shows that the risk of surface water flooding to the site is low. Therefore mitigation measures such as elevated floor level and resilient construction do not need to be integrated into the building design except in relation to the basement area. The FRA indicates that there is a low risk of flooding from all other sources.
149. It is noted that one objector raised impacts upon drainage. The Environment Agency has advised that it has no comments to make. Drainage and Coastal Protection officers raise no objections to the development requesting that confirmation of drainage proposals are provided, details which can required through condition. Northumbrian Water also raises no objections but requiring, through condition, a detailed scheme for the disposal of foul and surface water.
150. The proposal is considered to comply with CDLP Policy U10 which should ensure that flood risk is not increased elsewhere. It is not considered that there would be a conflict with CDLP Policy U8a. The proposal also complies with the requirements of Part 10 of the NPPF.

#### Other matters



151. The Economic Development (Employability) Team note that the development could create both short term and long term apprenticeship or employment opportunities for local people. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.
152. The proposed building has been designed with a fabric first approach that incorporates high insulation to the external fabric of the building. The submitted documentation commits to undertaking a number of measures to produce a thermally efficient building which include: high levels of insulation in the roof and thermal mass through the concrete floor and blockwork walls to stabilise the internal environment; detailing is expected to result in low air permeability/air tightness; high levels of insulation in the external fabric of the building, and windows approximately 40% of the total wall area to maximise day lighting and thermal efficiency. It is not intended to provide any renewable technology as part of the design.
153. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. Having regards to CDLP Policy U14 a condition to ensure that energy reduction measures are incorporated into the building can be added to any approval. The connection to a potential district heating system on Aykley Heads as referred to by Sustainability Officers is considered unnecessary.
154. The site is within a Coalfield Development Low Risk Area as defined by the Coal Authority. Any development is therefore subject to standing advice.

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## **CONCLUSION**

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155. The proposal for the erection of two storey office building with associated access, parking and landscaping at Aykley Heads for the headquarters of Atom Bank is supported in terms of the relevant development plan policies and the NPPF. The environmental effects of the proposal have been considered and found acceptable. The economic benefits of the proposed development in terms of the creation of 250 jobs and prestige of a high profile company locating to the County are to be welcomed.
156. The proposed design and scale of the building and the landscaping proposals are considered to be in keeping with its setting and surrounding development. Officers have considered the impact on the World Heritage Site and its wider setting concluding that although the building would not be visible and would have no harm on its setting or other designated heritage assets.
157. It is not considered that the proposed development will have any detrimental effects on residents or neighbouring uses subject to appropriate conditions. It is considered that there would be no detrimental effects on wildlife using the site nor on flood risk or drainage subject to condition.
158. The impact of the proposed development on the local highway network has been considered and deemed acceptable by Highway Authority Officers. The proposed access arrangements and parking provision are also considered to be acceptable.
159. Concerns expressed from objectors regarding this proposal have been taken fully into account, and carefully balanced against the scheme's wider social, economic and

community benefits. However, they are not considered to raise issues that justify planning permission being withheld.

160. The proposed development is considered to accord with the relevant policies of the development plan, national planning guidance contained within the NPPF, and the aspirations of the emerging County Durham Plan.

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## **RECOMMENDATION**

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That Members be minded to **APPROVE** the application 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 Planning & Compulsory Purchase Act 2004.*

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

### *Drawings*

- Drawing No. 3552.10.101.A Existing Site Plan
- Drawing No. 3552.10.102 Proposed Site Plan Wider Site
- Drawing No. 3552.10.103 Proposed Site Plan
- Drawing No. 3552.20.101 Proposed Basement Plan
- Drawing No. 3552.20.102 Proposed Ground Floor Plan
- Drawing No. 3552.20.103 Proposed First Floor Plan
- Drawing No. 3552.20.104 Proposed Roof Plan
- Drawing No. 3552.30.101 Proposed Elevations
- Drawing No. 3552.40.101 Typical Sections
- Drawing No. 3455.10.103 H Site Setting Out
- Drawing No. Landscape Design Proposal A
- Drawing No. AMS TPP-A (14/10/14) Arboricultural Tree Constraints Assessment - Existing Trees shown on Existing Layout Plan
- Drawing No. TPP-A (14/10/14) Arboricultural Impact Assessment Tree Protection Plan (TPP) Retained Trees shown on Proposed Layout with Protective Measures Indicated
- Drawing No. AMS EXI-A (16/10/14) Arboricultural Method Statement Existing Trees shown on Existing Layout Plan
- Drawing No. AMS EXI-A (16/10/14) Arboricultural Impact Assessment Existing Trees shown on Existing Layout Plan

### *Documents*

- Biodiversity Design Principles Oct 2014 – Penn Associates October 2014
- Flood Risk Assessment rev 0 6th May
- Arboricultural Report - All About Trees
- Arboricultural Method Statement Drawing No. AMS TPP-A (14/10/14)
- Extended Phase 1 Survey July 2014 – Ecology, DCC (mitigation measure in Section 7 and Addendum 2014)
- Tree Survey Schedule
- Arboricultural Tree Constraints Assessment for Trees at the Bowling Greens, Aykley Heads, Co. Durham – All About Trees – 17 October 2014
- Arboricultural Impact Assessment for Trees at the Bowling Greens, Aykley Heads, Co. Durham – All About Trees – 17 October 2014

- Land at Aykley Heads, Durham City, archaeological desk-based assessment report 3523, August 2014
- Atom Bank HQ Transport Statement –Rivergreen Developments plc – 27 May 2015

*Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies E3, E5, E5a, E14, E15, E16, E21, E23, R11, EMP4(3), EMP14, T1, T20, T21, R3, Q1, Q2, Q3, Q5, Q7, Q15, U5, U8a, U10 and U14 2 of the City of Durham Local Plan and Parts 1, 2, 4, 7, 8, 10, 11 and 12 of the NPPF.*

3. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. The construction management strategy shall include but not necessarily be restricted to the following;
- i) Methods of suppressing dust (including a Dust Management Plan if necessary). All plant, vehicles, equipment and machinery used in connection with any site activities shall be properly operated, used and maintained so as to control and minimise the propagation and emission of dust suppression.
  - ii) Details of methods and means of noise reduction (the best practical means available in accordance with the current edition of BS 5228 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site);
  - iii) Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
  - iv) Details of measures to reduce the potential for mud on the roads in the vicinity of the site.
  - v) Details of a construction vehicle traffic management strategy
  - vi) Details of light mitigation;
  - vii) Tree protection;
  - viii) Compound location, and
  - ix) Traffic management.

The management strategy shall have regard to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The best practical means available in accordance with the current edition of BS 5228 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

The development shall be undertaken in accordance with the agreed construction management strategy.

*Reason: In the interests of residential amenity and traffic management having regards to Policies E14, U5 and T1 of the City of Durham Local Plan and Parts 4 and*

*11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.*

4. No construction activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday. The contractor shall have regard to the relevant parts of the current edition of BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

*Reason: In the interests of the amenity of the area having regards to Policy U5 of the City of Durham Local Plan 2004 and Paragraph 109 of the National Planning Policy Framework.*

5. Notwithstanding any details of materials submitted with the application, details, including samples, of all materials and colours of external materials to be utilised in the construction of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of visual amenity having regard to Policies E3, E23 and EMP14 of the City of Durham Local Plan and Parts 7 and 12 of the NPPF.*

6. Within 3 months of the commencement of the development a detailed landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention  
Details soft landscaping including planting species, sizes, layout, densities, numbers  
Details of planting procedures or specification  
Finished topsoil levels and depths  
Details of temporary topsoil and subsoil storage provision  
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Trees, hedges and shrubs shall not be removed within five years. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development.

*Reason: In the interests of the visual amenity of the area having regard to Policies Q5, E14 and E15 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF.*

7. Notwithstanding details of details submitted with the application, no development shall take place until protection measures for those trees and hedgerows indicated as being retained have been submitted to and agreed by the Local Planning

Authority, and then implemented. Thereafter the protection measures shall remain in place until the completion of the development.

*Reason: In the interests of visual amenity having regard to Policies Q5 and E14 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF. This Condition is pre-commencement in order to secure adequate protection measures before any vehicles or plant is brought onto site.*

8. Prior to any works (including removal of vegetation and trees and ground disturbance) taking place in the north western part of the site, to the east of the central croquet pitch as shown on Drawing No. 3552.10.101.A 'Existing Site Plan' details of the works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details

*Reason: In the interests of visual amenity having regard to Policies Q5 and E14 of the City of Durham Local Plan and Parts 7 and 11 of the NPPF. This Condition is pre-commencement in order to secure adequate protection measures before any vehicles or plant is brought onto site.*

9. No development shall take place until a scheme for the management and disposal of surface and foul waters from the development has been submitted to and approved in writing by the Local Planning Authority. *The scheme shall include flow rates, oil interceptors, and method of disposal taking full account of sustainable drainage principles and the hierarchy of preference, supported by a permeability test in according with BRE Digest 365. Reference should be made to the County Council's Surface Water Management Plan.* Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of managing surface and foul water disposal and prevent the increased risk of flooding from any sources having regard to Policies U8a and U10 of the City of Durham Local Plan and Part 10 of the NPPF.*

10. No development shall take place until details of the access widening and improvement works (including the turning head) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details prior to construction of the building.

*Reason: In the interests of ensuring safe access to the site during and after construction of building having regard to Policy T1 and Q2 of the City of Durham Local Plan and Part 4 of the NPPF.*

11. No development shall take place until final details of the car parking layout and construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of ensuring adequate parking arrangements for both vehicles and cycles having regards to Policies T1, T20, Q2 and Q3 of the City of Durham Local Plan and Part 4 of the NPPF.*

12. Prior to occupation of the development hereby approved, the location and specification of covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The covered cycle parking shall thereafter be

installed in accordance with the approved details prior to first occupation of the development.

*Reason: In the interests of encouraging sustainable travel, in accordance with Policies Q2 and T20 of the City of Durham Local Plan.*

13. Prior to occupation of the development hereby approved, the location and specification of a minimum of two electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall thereafter be installed in accordance with the approved details prior to occupation of the development.

*Reason: In accordance with the Council's current Parking and Accessibility Standards and paragraphs 35 and 36 of the National Planning Policy Framework.*

14. Prior to first occupation of the building a Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

*Reason: In the interests of promoting sustainable transport options having regards to Part 4 of the NPPF.*

15. Details of the height, type, position and angle of any external lighting, temporary or permanent, shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

*Reason: In the interests of the visual amenity of the area having regard to Part 11 of the NPPF.*

16. No development above ground level shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings remain in existence.

*Reason: In order to ensure sustainability measures are embedded in the scheme both during construction and in use and in order to comply with Paragraphs 93-97 of the National Planning Policy Framework.*

17. Prior to first occupation of the building a scheme for the introduction of artistic elements/features into the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of the provision of art in development having regard to Policy Q15 of the City of Durham Local Plan.*

18. No development shall commence until an Employment & Skills Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in accordance with the approved Employment & Skills Plan.

*Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. This condition is pre-commencement as it concerns construction workforce employment.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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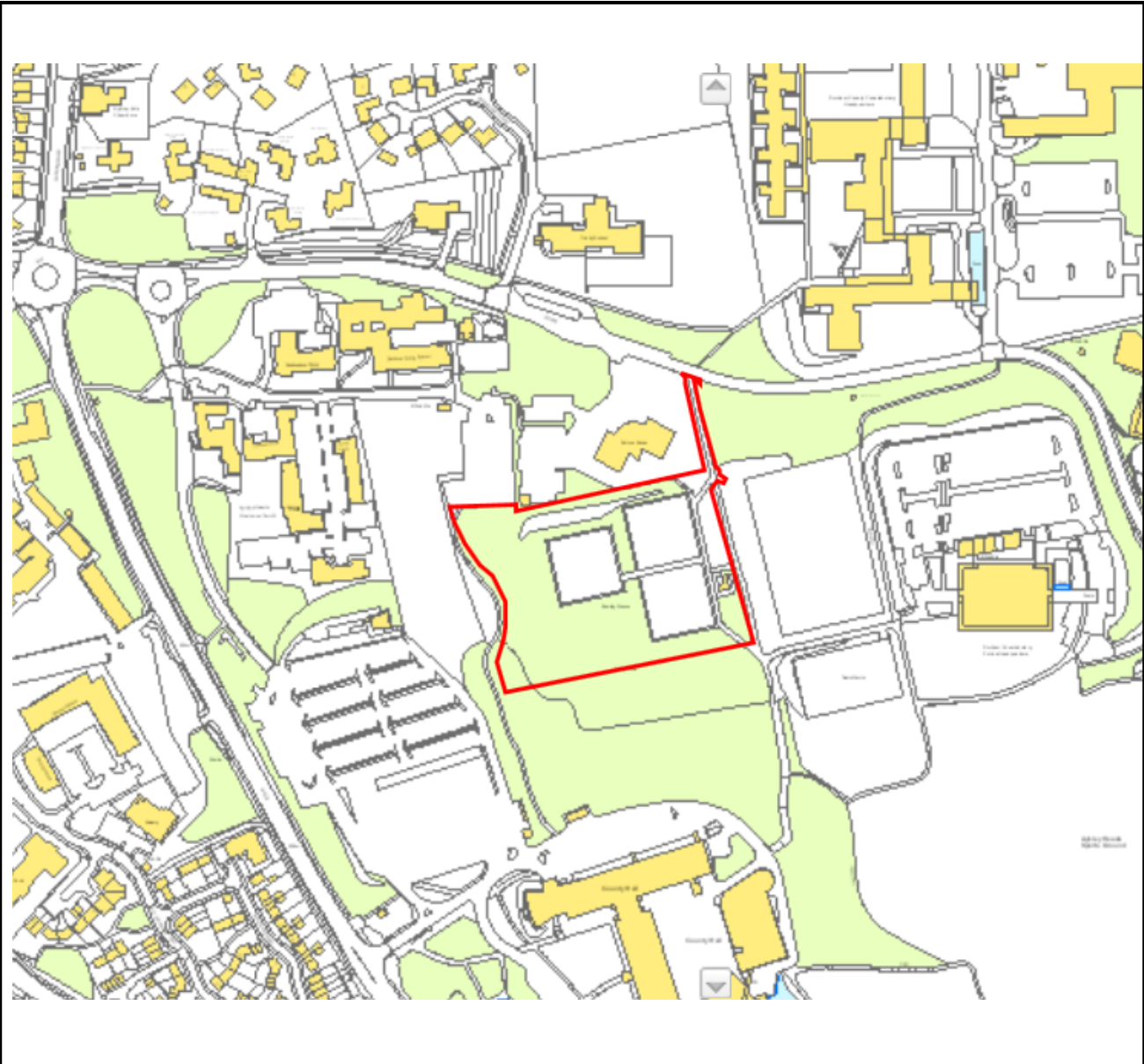
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- National Planning Policy Framework (2012)
- Planning Practice Guidance Notes
- City of Durham Local Plan 2004
- Emerging County Durham Local Plan
- Statutory, internal and public consultation responses



**Planning Services**

Erection of two storey office building with associated access, parking and landscaping, Former Croquet Lawns Aykley Heads DH1 5TS (DM/15/01548/FPA)

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**Comments**

**Date** October 2015

**Scale**