



Area Planning Committee (Central and East)

Date Tuesday 10 November 2015
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Special Meeting of the Committee held on 22 September 2015 and the Meeting of the Committee held on 13 October 2015 (Pages 1 - 24)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) PL5/2011/401 and PL/5/2011/402 - Hardwicke Hall Manor Hotel, Hesleden Road, Hesleden, TS27 4PA (Pages 25 - 44)
PL/5/2011/401 – Four detached residential properties including private vehicular access road.
PL/5/2011/402 – Partial demolition of Grade II listed garden wall and proposed repair of remainder, partial demolition of boundary wall within curtilage of Hardwicke Hall Manor Hotel in association with residential development of four dwellings
 - b) DM/15/02514/OUT - Land adjoining Bowburn South Industrial Estate, Durham Road, Bowburn (Pages 45 - 64)
Outline application, including access details, for retail food store, incorporating car park, landscaping and new vehicular access.

- c) DM/15/02694/FPA - 32 Whinney Hill, Durham, DH1 3BE (Pages 65 - 74)

Erection of part two-storey/part single-storey extension at rear of dwelling and construction of pitched roof over existing flat roof at side.

- d) DM/15/01743/FPA - Cheveley House, Brackendale Road, Belmont, Durham (Pages 75 - 90)

Demolition of care home and construction of 26 dwellings and associated works.

- e) DM/15/02242/FPA - Land South Of 58 Cuthbert Avenue, Sherburn Road Estate, Durham (Pages 91 - 102)

Development of 16no.houses, 23 parking bays and new adopted turning head.

- f) DM/15/02400/FPA - Grampian House, Grampian Drive, Peterlee, SR8 2LR (Pages 103 - 112)

Demolition of existing care home building and construction of 55-bedroom care home with associated landscaping and car parking.

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

2 November 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 Special Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 22 September 2015 at 2.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett (substituting for Councillor R Lumsdon), G Bleasdale, J Clark, P Conway, K Corrigan (substituting for Councillor B Moir), M Davinson, K Dearden, D Freeman, A Laing, J Lethbridge and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay, R Lumsdon and B Moir.

2 Substitute Members

Councillor K Corrigan substituted for Councillor B Moir and Councillor H Bennett substituted for Councillor R Lumsdon.

3 Declarations of Interest

There were no declarations of interest.

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

a DM/15 01520/FPA – Land adjacent to Evergreen Park, Crimdon

The Committee considered a report of the Senior Planning Officer regarding the change of use and associated works to permit siting of 16 executive holiday lodges at land adjacent to Evergreen Park, Crimdon (for copy see file of Minutes).

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

Members were advised that should the application be approved, an additional condition would be required regarding the provision of visitor parking at the site.

Councillor R Crute, local Member, addressed the Committee. He advised that while he and his colleague, Councillor L Pounder, had no issue with the type of development being proposed, they did not believe the proposals were appropriate for the identified location. Furthermore, they both would have liked to have had some involvement during the pre-application stage however had never been approached by the applicant.

Councillor Crute highlighted that the application site was outside of the settlement boundary which was contrary to saved Local Plan Policy E3. He felt the development would have a significant detrimental impact on local amenity in terms of noise, disturbance and traffic which was contrary to saved Local Plan Policies 35 and 85. Furthermore the application contravened saved Policy 36 in relation to traffic generation and road safety and it was unclear how the application would encourage alternative means of travel to the car. Concerns were also raised relating to flooding.

Members were advised that there were discrepancies within the officer report. Councillor Crute advised that the Parish Council and 28 residents all shared his concerns, however the report reflected that only 17 letters of objection had been submitted. Councillor Crute believed that 28 objection letters had been submitted.

In referring to the letters of support, though the report reflected that 9 had been submitted, Councillor Crute advised it was unclear how many of those had been from residents. He believed that 8 of the 9 had been submitted by local businesses, one of which was some 4 miles away from the application site.

Furthermore, while the supporting letters were generic and brief, it was highlighted that the objection letters were all individual and much more detailed, which showed the depth of feeling regarding the proposals. Councillor Crute also highlighted that there was no mention in the report to a solicitor's letter which had been submitted in objection to the application. The letter had raised land ownership concerns and issues relating to flooding.

While the tourism benefits of the application were appreciated, the concerns of local residents were not to be ignored. Councillor Crute believed the relevant policies for consideration were those relating to the right of peace for local residents, free from disturbance.

Councillor L Pounder, local Member, addressed the Committee to read a letter of concern from local residents.

Members were advised that the residents at Evergreen Park lived there on a full time, permanent basis and they felt that the proposed use was not appropriate next to a peaceful residential area which was predominantly occupied by retired or semi-retired residents.

Councillor Pounder advised that the current properties at Evergreen Park were not made of conventional materials and as such were more affected by noise and disturbance. It was felt that the proposed use of the adjacent site would generate significant noise, with visitors to the holiday lodges socialising at all times of the day and night and regularly driving on and off the site as there were no on site facilities.

The Committee was advised that the occupier of no.17 Evergreen Park would be particularly affected by noise and disturbance from vehicles as all holiday park traffic would have to pass the gable end of that property. Councillor Pounder advised that the landscape planting scheme would do nothing to screen the noise, furthermore it would cause a loss of natural light. Increased disturbance would also be generated from the waste disposal area.

The residents had advised that when they had bought their properties, the sales brochure had suggested that the location was private, however this was now to be compromised and the residents were facing a permanent loss of privacy.

Councillor Pounder advised that the only access to the site was vehicular as there were no footpaths either on or off the site. As such, concerns had been raised regarding pedestrian safety and there was more potential for road traffic accidents to occur due to the increased traffic entering and leaving the site.

Residents had also expressed concerns regarding the impact of development on the drainage system, as the proposed site location was much more elevated than the existing properties. Assurance was therefore sought that there would be no additional impact on the drains as there was a history of surface water flooding. It was feared that increased run off would exacerbate the drainage system.

It was reiterated that letters of objection had been submitted from 21 of the current properties and while local residents appreciated the economic benefits of the proposals, it would be to the detriment of those currently occupying the site.

The Area Team Leader advised that it was apparent there was an error within the report and that 27 objection letters had been received. However it was unclear whether those letters had been received late or whether there was a typographical error within the report.

Councillor Laing moved that the application be deferred to a future meeting to allow officers the opportunity to present accurate information to the Committee. The motion to defer was seconded by Councillor Conway and upon a vote being taken it was;

Resolved: "That the application be deferred to a future meeting".

b DM/15/01717/FPA – 4 Mayorswell Close, Durham, DH1 1JU – Detached two-storey dwelling in side garden of 4 Mayorswell Close

The Committee considered a report of the Planning Officer regarding the erection of a detached two-storey dwelling in the side garden of 4 Mayorswell Close, Durham, DH1 1JU (for copy see file of Minutes).

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

Councillor D Freeman advised that as local Member for the area, he had been approached by local residents who had raised concerns regarding the application. Concerns had been expressed that the site was a very small area in which to develop and issues regarding highway implications were of particular concern. The property was to be built with 2 car parking spaces in mind, which would be difficult to access and as such would probably not end up being used.

Councillor Freeman further highlighted that the applicant was uncertain as to the end use of the dwelling and residents had expressed concerns that 25% of Mayorswell Close were HMO'S. This was felt to be a high proportion when taking consideration of saved Local Plan Policy H9 and there were concerns that any more HMO's in the street would contravene NPPF Part 50.

As such Councillor Freeman requested that if the application was to be approved, then a clause be included to prevent the property from becoming a HMO.

In response to the concerns raised by Councillor Freeman, the Planning Officer highlighted that condition 6 as detailed within the report, set the class use for the property as C3.

Councillor Conway was pleased with the inclusion of condition no.6 and would have been in objection to the application without it. While he had sympathy with residents who were concerned about overdevelopment in that part of the city he felt that the proposed development could alleviate parking issues in the area and so on balance he supported the proposal and moved that the application be approved.

Councillor Bleasdale was not supportive of the application and expressed concerns regarding the very small development site and potential issues with parked vehicles in the street.

Councillor Lethbridge seconded the motion to approve the application. He highlighted that development in that area of the city was particularly mixed with a whole range of house styles and little uniformity. He therefore felt that the proposed dwelling would not be out of place.

Councillor Bell also supported the application. While the recommended 21m separation distance would not be met in this instance, he acknowledged that this was merely a guideline.

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

Councillor A Laing left the meeting.

c DM/15/01812/FPA – 67 Front Street, Pity Me, Durham, DH1 5DE

The Committee considered a report of the Senior Planning Officer regarding the proposed residential development of 6 No. linked dwelling houses at 67 Front Street, Pity Me, Durham, DH1 5DE(for copy see file of Minutes).

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

Councillor M Wilkes, local Member, addressed the Committee. He advised that only one resident of Front Street had objected, as most others felt that approval of the application was a foregone conclusion and as such there was little point in objecting.

Members were advised however that Councillor Wilkes and the one objecting resident both had various concerns which needed to be raised.

Concerns were raised regarding potential damage to a TPO tree and associated risks to the end proposed dwelling. Councillor Wilkes felt the tree was at risk and that changes to the layout and the means of construction as now put forward by the applicant, would not alleviate those problems. As such, he believed that saved Local Plan Policies Q1 and Q2 were relevant, as well as NPPF part 7. Councillor Wilkes believed the layout and design proposals were very poor and it was nonsense to erect a property so close to a large tree. He believed that the owner of plot 6 would end up being in constant dispute with the Council on issues such as overhanging and blocked light. Furthermore Councillor Wilkes believed the property owner would struggle to get insurance because of the very close proximity of the tree.

It was noted that there was no rear access to proposed properties 2, 3, 4 and 5, so all garden waste would have to be carried through houses.

Councillor Wilkes highlighted that the Landscape Officer had described the site as a critical gateway site, as such it was felt it should be ruined with development.

In relation to traffic and parking issues, Councillor Wilkes advised that there would be adverse effects for existing residents which would contravene saved Local Plan Policies H13 and Q8 and NPPF Part 8. While he was aware that Members had seen the site on a visit earlier that day, Councillor Wilkes highlighted that they had not seen the parking situation on an evening. While there might be sufficient parking to be provided for the new properties, when the parking spaces currently used by residents were removed, the parking situation would only worsen. Councillor Wilkes advised that saved Local Plan Policy T2 paragraph 5 was particularly relevant as it related to minimum impact for vehicles. It was highlighted too that the entrance road to Front Street was inadequate and was often blocked by parked vehicles. There was no room for cars to pass and as such Policies T1 and T2 were relevant in relation to poor design and road safety risk.

Councillor Wilkes therefore advised that the application contravened saved Local Plan Policies E14, E16, Q8, T1, T2, H13, Q8, Q1 AND Q2 and Parts 7 and 8 of the NPPF.

Should the Committee be minded to approve the application, Councillor Wilkes suggested that additional conditions be imposed as follows:-

- In relation to the entrance road, ask for this to be widened as currently it was not possible for 2 vehicles to pass;

- Additional parking be provided nearby for displaced vehicles;
- Construction not to take place on a Saturday and for weekdays construction not to take place before 8am and after 5:30pm;
- Councillor Wilkes wished to see the access road developed first and the current turning circle to be left in situ throughout construction;
- Visitor spaces should be clearly identified with road markings;
- That the use of the properties should be limited and not permitted to be HMO's as this could exacerbate parking issues even further.

The Landscape Officer responded to the points raised as follows:-

- Members were advised that it was the Officer's original concern that the tree would be at risk, this was no longer the case now that amendments had been made to the application and changes had been made to the system of retaining structure between levels. Members were advised that as well as looking at a tree being at risk, an assessment was also undertaken to look at people being at risk, and the Officer provided an explanation as to the assessment procedure.
- The reduction of land take was now considered acceptable as was the root protection area.
- In relation to overhang, Members were advised that there was no evidence of risk that a bow might fail.

The Highways Officer responded to points raised as follows:-

- Parking – the application proposals did meet the minimum parking standards, though it was acknowledged that there were existing demands currently at the site area;
- Access/egress – The application would not have a significant impact on the current situation, furthermore there was no suggestion of accidents in that area;
- Highways Officers were satisfied that the public highway was to be extended and the extension of the carriageway would meet current adoption standards.

In response to a query from Councillor Dearden, the Senior Planning Officer confirmed that the previous planning approval of July 2013, still stood and so development in accordance with that permission could go ahead.

In response to a query from Councillor Freeman, the Senior Planning Officer clarified that the proposed development did encroach slightly more into the root protection area than the previous application.

In response to a query from Councillor Conway, the Landscape Officer confirmed that he was now content that the tree would survive the construction experience. Furthermore he was confident that the occupier of the end property would not suffer any loss of sunlight penetration because the tree was situated to the north side of the property.

The Senior Planning Officer advised that the issue of amenity was acceptable as there would be no direct overshadowing. Furthermore the area of land directly to the north was the area which would not be included as garden area.

Councillor Conway noted that in the previous application there was access to the rear of the properties, however that had now been removed. He found this to be a retrograde step, furthermore he felt that too many properties were now being proposed.

Councillor Lethbridge agreed that the development of just 5 properties was more preferable as it would have alleviated many of the concerns which had been raised.

In response to a query from Councillor A Bell, the Area Team Leader clarified that maintenance of the land between the end of the development and the tree would be the responsibility of the developer.

The Landscape Officer advised the Committee that the overhanging bow was not leaning in a direction which would pose a risk to the properties should it be subject to strong gales.

Councillor J Clark queried whether the developer would allow the unallocated land to be a means of access to the rear of the middle properties. The Senior Planning Officer advised there would be difficulties as the rear gardens would be on split levels, but that bin storage would be situated at the front of the properties to alleviate access issues.

Councillor Davinson felt that each application which came forward encroached more onto the root protection area. He also expressed concerns regarding traffic issues.

Councillor D Freeman moved refusal of the application on the grounds that it contravened saved Local Plan Policy Q8 in relation to layout and design and saved Local Plan Policies E14 and E16 because of issues with the tree and the detrimental impact of development on the conservation of the trees.

The Area Team Leader highlighted that the current proposals were an improvement on the already approved application, as the existing permission placed no restriction on the land at the north of the site.

Councillor Conway seconded the motion to refuse the application for the reasons stated by Councillor Freeman. In referring to paragraph 38 of the report, he further highlighted that he would have liked to have seen the applicant statement.

Upon a vote being taken it was,

Resolved: “That the application be REFUSED for the following reasons:-

1. The proximity of the development would have a detrimental impact on the protected tree that is a critical part of the existing mature landscaping at the prominent gateway location. The development would therefore be contrary to saved Policies E14 and E16 of the City of Durham Local Plan 2004.

2. The layout and design of the proposed development failed to provide for residents to adequately access to rear gardens and would also result in an unsatisfactory relationship to the projected tree thereby having an adverse impact on the amenity of occupiers contrary to Policy Q8 of the City of Durham Local Plan 2004”.

d DM/15/01825/FPA – 40 South Street, Durham

The item was withdrawn from the agenda.

e DM/15/02067/FPA – Ness Furniture Ltd, Croxdale, Durham, DH6 5HT

The Committee considered a report of the Planning Officer regarding the change of use from office accommodation to car dealership, formation of new vehicular access door, re-fenestration of showroom windows, new roof and provision of new upstand fascia board at Ness Furniture Ltd, Croxdale, Durham, DH6 5HT (for copy see file of Minutes).

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

In referring to paragraph 40 of the report, Councillor J Clark queried whether the entry and exit for the transporters would be compromised should housing be developed on the remaining land at the site. She further queried whether the transporter arrangements were just for the new Subaru dealership or would it also apply to the existing Citroen dealership.

The Principal Planning Officer clarified that the possible future housing scheme would be subject of a future application and the Planning Authority would have control over any changes to the site. Members were further advised that the transporter arrangements could only be required for the new dealership, though there were no current highway issues in relation to transporters attending the Citroen dealership. Councillor Clark envisaged problems occurring. Transporter drivers would know that they could offload on the main highway for the Citroen dealership and so may do the same for the Subaru dealers, rather than driving the lorries onto the site.

Councillor A Bell queried whether it would be possible for double yellow lines to be placed on the main highway to prevent such issues occurring. The Highways Officer advised that yellow lines prevented waiting only and not loading restrictions. Furthermore, loading restrictions were not helpful near to a commercial development which needed to operate. Statistics from the accident database indicated that there were no recorded accidents anywhere in the county over the last 10 years which could be attributed to a parked transporter on a highway. Members were also advised that it was still possible for 2 way traffic to pass on that highway even when a transporter was loading or offloading and indeed a parked transporter could have a calming effect on traffic speed.

Councillor Lethbridge advised that he regularly used the highway adjacent to the application site and on the site visit earlier that day there was a transporter parked on the highway. While it had not seemed to pose any real problem, Councillor Lethbridge was unaware of the frequency of deliveries to the site by transporters. However he acknowledged that the company was a longstanding business which was good for the area. He therefore moved that the application be approved. This was seconded by Councillor Davinson who felt that the proposals would be an improvement on current arrangements.

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

f DM/15/00793/OUT – Land to the east of Prospect Place, Commercial Road, East, Coxhoe

The Committee considered a report of the Senior Planning Officer regarding the construction of 55 residential dwellings comprising 22 affordable dwellings and 33 open market dwellings with associated infrastructure, landscaping and engineering works (outline, all matters reserved except access) (for copy see file of Minutes).

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

Members were advised of a late representation which had been received since the publication of the Committee report. The applicant had proposed a financial contribution to provide for additional educational provision within the area and a £4000 public art contribution.

The Senior Planning Officer further advised that condition number 12 was now no longer required as landscape proposals could be considered at the reserved matters stage.

Mr G Caldwell, agent for the applicant, addressed the Committee and provided an overview of the application. The developer had been involved in extensive dialogue on the proposals for over 2 years and had significantly reduced the density of the site from an application which they had withdrawn the previous year.

The applicant had developed 127 properties on the adjacent Limes scheme which had been very successful, an estate where there were also affordable bungalows. Furthermore the applicant had worked hard to bring many contributions to the local area and had always maintained a close working relationship with the Parish Council.

40% affordable housing provision on the proposed development was double the requirement and 8 of the affordable dwellings would be bungalows. Mr G further advised that the application site was brownfield, would generate local employment and also make improvements to the wildlife site.

The Senior Planning Officer clarified that the site was actually greenfield. Despite is having been a previously developed site, it had been regained by the landscape so was no longer brownfield.

Seconded by Councillor Conway, Councillor Lethbridge moved approval of the application and upon a vote being taken it was;

Resolved: “That the application be approved subject to the conditions detailed within the report, excluding condition no.12”.

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 13 October 2015 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors H Bennett (substituting for Councillor A Laing), G Bleasdale, P Conway, M Davinson, D Freeman, S Iveson, J Lethbridge, C Kay, J Lethbridge, B Moir, R Lumsdon and K Shaw

1 Apologies for Absence

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

2 Substitute Members

Councillor H Bennett substituted for Councillor A Laing and Councillor J Maitland substituted for Councillor J Clark.

3 Minutes

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

4 Declarations of Interest

Councillor R Lumsdon declared an interest in agenda item 5a as she knew the applicant personally, Councillor Lumsdon would therefore remove herself from the meeting while the item was being considered.

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

Councillor R Lumsdon left the meeting.

a DM/15/01520/FPA – Land adjacent to Evergreen Park, Crimdon

The Committee considered a report of the Senior Planning Officer regarding the change of use from materials storage area to permit siting of 16 executive holiday lodges at land adjacent to Evergreen Park, Crimdon (for copy see file of Minutes).

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

Members were reminded that the application had previously been deferred as there was concern that letters of objection had not been accurately reported and so issues raised in objection might not have been addressed. It was clarified that 25 letters of objection had been received from 22 properties and no new issues had been raised.

Members were advised that should approval be granted, an additional condition would be required to ensure that details of a visitor parking scheme was submitted before the site was occupied.

The Principal Planning Officer advised the Committee that contrary to paragraph 19 of the report, no weight could now be given to the County Durham Plan.

Councillor R Crute, local Member, addressed the Committee. He advised that while he and his colleague, Councillor L Pounder, had no issue with the type of development being proposed, they did not believe the proposals were appropriate for the identified location. Furthermore, they both would have liked to have had some involvement during the pre-application stage however had never been approached by the applicant.

Councillor Crute highlighted that the application site was outside of the settlement boundary which was contrary to saved Local Plan Policy E3. He felt the development would have a significant detrimental impact on local amenity in terms of noise, disturbance and traffic which was contrary to saved Local Plan Policies 35 and 85. Furthermore the application contravened saved Policy 36 in relation to traffic generation and road safety and it was unclear how the application would encourage alternative means of travel to the car. Concerns were also raised relating to flooding.

In relation to the public consultation, Councillor Crute queried where the report stated that there were 9 letters of support from residents. He asked for clarification as to whether they were from residents or businesses and also pointed out that all were just one line letters.

Councillor Crute also highlighted that there was no mention in the previous committee report to a solicitor's letter which had been submitted in objection to the application. The letter had raised land ownership concerns and issues relating to flooding. The letter was now mentioned in the current report however the issues raised had not been addressed by officers. Members were advised that the landowner next to the site kept bulls and had therefore raised safety concerns. Further concerns had also been raised regarding the chemical spread buffer zone and drainage issues.

In relation to highways issues, Councillor Crute advised that the local Fire and Rescue Service suggested that there were 2 accidents per year at or near the access to the site. Councillor Crute believed this was unacceptably high and the influx of additional visitors to the area would result in an increase in accidents.

While the tourism benefits of the application were appreciated, the concerns of local residents were not to be ignored. Councillor Crute believed the relevant policies for consideration were those relating to the right of peace for local residents, free from disturbance.

Councillor L Pounder, local Member, addressed the Committee to read a letter of concern from local residents.

Members were advised that the residents at Evergreen Park lived there on a full time, permanent basis and they felt that the proposed use was not appropriate next to a peaceful residential area which was predominantly occupied by retired or semi-retired residents.

Councillor Pounder advised that the current properties at Evergreen Park were not made of conventional materials and as such were more affected by noise and disturbance. It was felt that the proposed use of the adjacent site would generate significant noise, with visitors to the holiday lodges socialising at all times of the day and night and regularly driving on and off the site as there were no on site facilities. The Committee was advised that the occupier of no.17 Evergreen Park would be particularly affected by noise and disturbance from vehicles as all holiday park traffic would have to pass the gable end of that property. Councillor Pounder advised that the landscape planting scheme would do nothing to screen the noise, furthermore it would cause a loss of natural light. Increased disturbance would also be generated from the waste disposal area.

The residents had advised that when they had bought their properties, the sales brochure had suggested that the location was private, however this was now to be compromised and the residents were facing a permanent loss of privacy.

Councillor Pounder advised that the only access to the site was vehicular as there were no footpaths either on or off the site. As such, concerns had been raised regarding pedestrian safety and there was more potential for road traffic accidents to occur due to the increased traffic entering and leaving the site.

Residents had also expressed concerns regarding the impact of development on the drainage system, as the proposed site location was much more elevated than the existing properties. Assurance was therefore sought that there would be no additional impact on the drains as there was a history of surface water flooding. It was feared that increased run off would exacerbate the drainage system.

It was reiterated that letters of objection had been submitted from 21 of the current properties and while local residents appreciated the economic benefits of the proposals, it would be to the detriment of those currently occupying the site.

Mr A Stephenson addressed the Committee speaking on behalf of the applicant. Members were advised that the operators understood the concerns expressed by their neighbours who were residents of Evergreen Park, however also wished to emphasise that they actually lived closest to the proposed development. It was their property which would overlook the development and so their prime goal was to

maintain the high standards which were already at Evergreen Park. Members were advised that they had no desire or intention to create a Butlins style holiday park, rather that they wanted an area which was peaceful and tranquil. The intention was to develop a small, low key project of executive style high end holiday lodges. With similar age restrictions to what was already at Evergreen Park, the emphasis would be on the more restrained clients seeking a peaceful luxury retreat and careful vetting of proposed clients, together with strict rules and control.

Mr Stephenson highlighted that all current residents had actually chosen to live at Evergreen Park and live there in the full knowledge that they would be separated by a minimum of 6m from their neighbours. Members were assured that the nearest any resident would be to a proposed holiday lodge was 10m, or 66% further away and the farthest would be 16m which was close to 3 times further away. Further mitigation would be offered by way of screening. The Committee was advised that over the past 12 years there had been no complaints about noise from neighbours and the operator did not wish for that record to be blemished.

Mr Stephenson highlighted that the current residents had also chosen to live at Evergreen, fully aware of the traffic noise from the nearby coast road and railway. The occasional vehicle coming into the proposed lodges would, because of the speed restriction, be completely masked by the coast road traffic and would therefore not have any impact.

In relation to traffic on the coast road, Members were advised that former activities at Crimdon Dene such as a beauty pageant and amusements, generated far more traffic than what would ever occur from the minor intensification of traffic on the proposed development. Furthermore, Members were reminded that Evergreen Park had formerly been a caravan park with up to 50 static and touring caravans.

In referring to paragraph 29 of the report, Mr Stephenson highlighted that the Highways Authority confirmed the site location had a good safety record and the access to it was safe.

In relation to water concerns, Mr Stephenson advised that the applicant had submitted photos taken after some 15 hours of continuous rainfall on 13th and 14th August, which demonstrated there were no water issues at all.

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

- Drainage – it was accepted that the Drainage Officer had expressed some concerns and had suggested permeation tests. As such, should permission be granted, a further condition would be required for drainage to be dealt with adequately;
- Support – The Committee was advised that all 9 letters of support had been received from local businesses;
- Farmers concerns – many developments took place next to farmers fields, the Planning Authority did not have any control over farming activity;
- Attenuating Noise – the proposed activity of the site would be domestic and on a temporary basis, similar to what was already at Evergreen Park;

- It was felt that the proposed activity of the site could comfortably occur next to the current residents.

The Highways Officer responded to points raised as follows:-

- Traffic flow on the A1086 was approximately 9000 vehicles per day and the proposed development would add less than 1% of that onto the highway;
- The Highways Agency would only comment when there was the potential for a direct impact on the strategic network. The proposed development would have no impact on the A19;
- Accident statistics – The Highways Authority used a Durham Police database known as Stats 19 and the statistics from that database were nationally acceptable by all bodies. Statistical reports from others were considered unreliable. While there may have been accidents away from the site at other parts of the A1086, there was no records of any recorded personal injury accidents in the vicinity of the site access.

Councillor Conway noted that Evergreen Park was a residential area of permanent residence for an essentially retired community. He wondered if in the fullness of time, the proposed holiday park might itself become a place of permanent residence.

Councillor Moir stated that the promotion of economic benefits and tourism was acceptable in principle and the proposed development did seem acceptable, though not in the proposed location. It was noted that over 90% of the objections had come from residents of Evergreen Park and Councillor Moir stated that families visiting the holiday park would inevitably make noise, regularly and quite possibly after hours. He did feel that should the application be approved, local residents would suffer a loss of visual amenity and would suffer a detrimental effect from noise and disturbance.

In response to a query from Councillor Iveson, the Principal Planning Officer clarified that the Planning Authority would have no control over site activity, that would be the responsibility of the operator, though there was a condition proposed regarding the monitoring of the occupiers of the site.

In relation to whether the site could become permanently occupied in time, the Principal Planning Officer advised that the intention was to control the use so that it would always be holiday accommodation.

Councillor Lethbridge had found the site to be peaceful and was concerned about how it would become if the lodges were developed. It was a permanent site of residence and those that lived there wanted a quiet life. He believed the site was inappropriate for the proposed scheme.

Councillor Conway was not comfortable that there was no possibility of the site ever becoming an area of permanent residence and he moved refusal on the grounds that the application contravened saved Local Plan Policies 3 and 36.

Councillor Kay observed that there was no local appetite for the application. The impact of development on residential amenity was extremely important.

The Solicitor stated that the speculation over the precise legal arrangements with the owner for future occupancy of the site, was of no relevance to the Committee. Conditions 5, 6 and 7 related to the nature of occupation and would be binding.

In response to a query from Councillor Davinson, the Principal Planning Officer clarified that the proposed additional condition regarding visitor parking would have to be followed by the applicant.

The Solicitor advised that no weight could be given to saved Local Plan Policy 3 as it was a settlement boundary policy which was no longer considered to be up to date, further to recent barristers advice.

Councillor Conway clarified that the reasons for refusal were as follows:-

That the application contravened saved Local Plan Policy 35 in relation to traffic generation, saved Local Plan Policy 36 in relation to an adverse effect on highway safety and pedestrian safety and NPPF Part 3 in relation to the site not being sustainable.

Councillor Moir seconded the motion for refusal and upon a vote being taken it was;

Resolved: “That the application be **REFUSED** on the grounds that it was contrary to saved Local Plan Policies 35 and 36 and NPPF Part 3”.

Councillor Lumsdon did not return to the meeting.

b DM/15/02021/FPA – 60B & C Claypath, Durham, DH1 1QS

The Committee considered a report of the Planning Officer regarding the demolition of existing two storey end terrace house and construction of two student flats at 60B & C Claypath, Durham, DH1 1QS(for copy see file of Minutes).

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

Councillor R Ormerod, local Member, addressed the Committee to speak in objection to the application. Members were advised that 60C Claypath had been derelict for many years, while the other properties in the block were generally occupied by students. The amenity of nearby residents of Claypath and Hillcrest Mews, would be detrimentally affected should the application be approved, particularly in terms of loss of sunlight, which was contrary to saved Local Plan Policy H13. In addition, the overbearing nature of the proposed development was also considered unacceptable.

Councillor Ormerod advised that the proposed development was less than 14 metres from 59 Claypath and the bedrooms would look directly into the first floor.

Members were advised that the application contravened saved Policy H9 which stated that the subdivision of an existing property should not have an adverse effect on neighbouring residents.

Councillor Ormerod highlighted that many properties in that area of the city were let to students and with some 3000 student bed applications now approved, this far exceeded the predicted requirement from the University. Councillor Ormerod believed families were being excluded from the area and he feared that such parts of the city would become student dominant. There was a real need to encourage balanced communities.

In relation to bin storage, Councillor Ormerod advised that the proposals would result in a health hazard if unmanaged, as was the case elsewhere in the city.

Mr A Watson, representing the applicant, addressed the Committee. Members were advised that the proposals were the result of extensive consultation dating as far back as 2008. Such consultation had involved the Highways Authority and the Council's Conservation Officers. In presenting the application, Mr Watson advised that all comments relating to the position and appearance of the proposed development, had been accounted for.

Members were advised that student accommodation accounted for 39% of that area of the city and in relation to overlooking, Mr Watson advised that various changes had been made to the scheme to resolve any issues. The current application had only one bathroom window which would be on a level with surrounding properties, which would have obscured glazing.

Councillor D Freeman echoed the comments of Councillor Ormerod. In referring to the officers' assertion that student presence in the city was moderate, he argued that 30% in the Claypath area and 65% in the surrounding area, was much more than moderate. He highlighted that an interim policy regarding student accommodation was currently being considered which spoke of levels of 10% per postcode area. Had the current application come forward at a future date when an interim policy was in place, then it would be refused on the grounds of exceeding the limit for the area. Councillor Freeman believed that the interim policy demonstrated that the current situation was not acceptable.

Members were advised that saved Policy H9 was particularly relevant as 39% and 65% were not acceptable levels and far exceeded what would be acceptable in a balanced community.

In relation to overlooking, Councillor Freeman suggested that the application failed to meet acceptable levels as the distance from the development to both 2 Hillcrest Mews and 59 Claypath, failed the recommended 21 metre separation distance.

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

- Overbearing development / Loss of Amenity – the Planning Authority accepted there were shortcomings in relation to separation distances, as detailed within the officer's report. However Members were reminded that separation distances

were merely guidelines, mainly to be taken into account for the development of schemes such as new estates. The site location was a tight area and so separation distances were less achievable;

- Student Accommodation – The levels in the Claypath area were considered moderate, relative to the surrounding area, as detailed in paragraph 59 of the officer report. The site was an appropriate location for students as it was in close proximity to the city centre;
- Gable End – A separation distance of 13 metres would have been expected, however 2 Hillcrest Mews was currently facing a rear wall with a gable effect. It could therefore be argued that the current situation had a worse impact than what was being proposed.

Councillor Lethbridge had found the current building to be an eyesore compared to the front area of Claypath and he was mindful that the Committee were not in a position to make judgements regarding student numbers. He felt the proposals would improve the building while providing a service, he therefore moved that the application be approved.

Councillor Kay seconded the motion to approve the application. He too had found the building to be untidy and noted that there were already HMO's in the immediate vicinity. The proposals would be a vast improvement to the current building and issues regarding overbearing had been dealt with thoroughly within the officer report.

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

c DM/15/02154/FPA – Shoulder of Mutton, Low Row, Easington, Peterlee, SR8 3AU

The Committee considered a report of the Planning Officer regarding the change of use, partial demolition and rebuild/extension of public house to provide 13 residential units at the Shoulder of Mutton, Low Row, Easington, Peterlee, SR8 3AU (for copy see file of Minutes).

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

In response to a query from Councillor P Conway, the Solicitor clarified that any issues regarding the unadopted access, which was owned by Easington Village Parish Council, would be a private law matter and accordingly, it was not possible to impose a planning condition to address this.

Councillor Davinson was disappointed at the loss of the rear coach house at the premises, though appreciated that it was necessary.

Councillor Kay moved approval of the application as the building was worth saving and it would bring it back into use. The motion to approve was seconded by

Councillor Lethbridge and Councillor Maitland, who was particularly familiar with the area, was pleased to see the building being converted rather than demolished.

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

d DM/15/02392/FPA & DM/15/02393/LB – Old Shire Hall, Old Elvet, Durham

The Committee considered a report of the Senior Planning Officer regarding the 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 at the Old Shire Hall, Old Elvet, Durham (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Members were advised that should the application be approved, conditions 10, 14, 15, 16, 17, 19 and 20 would need amending. Currently they all made reference to no works commencing until certain requirements had been met. The amendment to all would reflect that such restrictions were only to apply to external works.

Mr T Baker, agent for the applicant, was in attendance to respond to any questions the Committee might have.

In response to queries from Councillor Moir, Mr Baker clarified the car parking plans, access and egress arrangements and the exact location of the extension building which was to be demolished. Members were advised that the extension building was a 1960's brick construction which had been used as a toilet block. Heritage Officers had not raised any concerns in relation to its demolition.

Councillor Davinson moved approval of the application, seconded by Councillor Lethbridge.

Councillors Conway and Freeman also voiced their support for the application and looked forward to the scheme being brought forward.

In response to a query from Councillor Freeman, Mr Baker advised that there had been much discussion on the appropriate access point for the development as there were site constraints. However it was believed that the current proposals presented the most appropriate option which would be safe, alleviate congestion and was also fully supported by the Highways Authority.

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

e DM/15/02602/FPA – Land to the east of Fairfalls Terrace, New Brancepeth

The Committee considered a report of the Senior Planning Officer regarding the construction of 33 houses and associated carriageway, footway and landscaping at land to the east of Fairfalls Terrace, New Brancepeth (for copy see file of Minutes).

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

Members were advised that should the application be approved, conditions 3, 4 and 5 could all be removed as all requirements had been met in advance by the applicant.

Condition no.2 would need updating to reflect the removal of conditions 3, 4 and 5.

In referring to paragraph 76 of the report, the Senior Planning Officer advised that a condition would no longer be required as a suitable plan had been submitted which the Highways Authority was satisfied with.

Councillor D Bell, local Member, addressed the Committee. He advised that there were issues at the area regarding surface water as there were broken field drains on the site. Due to modifications made by a local farmer, flooding issues had been caused. However Councillor Bell was aware that a drainage plan had been resubmitted by the applicant and to the satisfaction of Northumbrian Water.

Members were advised that new housing was needed in the area and the proposed development would provide an opportunity for rent to buy properties.

Mr Ashcroft, local resident, addressed the Committee. He advised that the main reason he had originally objected to the application was the fear and worry that the developer had not submitted detailed drainage plans which could therefore result in making the flood risk greater for local residents. However Mr Little now acknowledged that the developers had submitted plans which met the approval of Northumbrian Water.

Mr Ashcroft felt the developer should have had the courtesy for the sake of public relation, to have involved the residents in the planning preparation to alleviate their fears about the proposals.

Mr Little, local resident, addressed the Committee. Members were advised that the drainage plans would involve major works, transport disruption, interruption of access and access to private land, however residents had not been afforded the opportunity to raise concerns because the drainage plans had been submitted too late.

Members were advised that the drainage scheme would not cope with surface water and subsequent sewage problems as increased sewerage from the proposed development would potentially cause overflow for manhole 1606.

Mr Little believed that there were specific impacts of the proposed developments which did not appear to have been properly addressed, such as road safety in winter, access and road safety during construction and a lack of sustainability. Mr Ashcroft advised that the removal of the roadside hedge on the west boundary and the construction of stone gabions on the south boundary, would clearly have a negative impact on the visual amenity. Furthermore, Members were advised that the stone gabions were contrary to the recommendations of the Ecology report.

The Senior Planning Officer responded to the points raised as follows:-

Drainage Plans – the developer had provided the drainage plans up front rather than it having to be conditioned as part of a planning permission. Northumbrian Water had confirmed it was satisfied with the plans.

Mr C Smith, applicant, addressed the Committee. While he apologised for the rushed last minute submission of the drainage plans, he too highlighted that the plans were not actually required at the current stage, however the developer felt it prudent to produce the plans up front because of resident concerns.

Members were advised of the technicalities of the drainage scheme and drainage requirements and that the proposals should mitigate all issues of surface water. Only a narrow pipe would need to be installed at a depth of 1 metre, as such the installation would cause minimal disruption.

Mr Smith highlighted that all consultees were satisfied with the proposals and Members were advised that while it was regrettable that a boundary hedge would be removed, that would be mitigated against with new hedges at other boundaries.

In response to a query from Councillor Kay, Mr Smith clarified the location of the combined drain and advised that on site storage was for surface water only.

In response to a query from Councillor Conway, the Senior Planning Officer clarified that there were no contaminates on site.

Councillor Conway was disappointed that no affordable housing was to be provided and requested that more detailed text be provided in officer reports regarding viability and affordability/

Seconded by Councillor Lethbridge, Councillor Kay moved that the application be approved.

Resolved: “That the application be approved subject to the conditions detailed within the report, with condition 2 to be amended to reflect the removal of conditions 3, 4 and 5”.

Councillor M Davinson and Councillor G Bleasdale left the meeting.

f DM/15/01548/FPA – Former Croquet Lawns, Aykley Heads, DH1 5TS

The Committee considered a report of the Principal Planning Officer regarding the erection of two storey office building with associated access, parking and landscaping at the former croquet lawns, Aykley Heads, DH1 5TS (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that a late objection had been received which cited issues such as impact of the development on local residents, impact on roads in the area and issues with the access to the proposed development. All such matters were dealt with within the officer report.

Ms S Ballantyne, local resident, addressed the Committee. It was pleasing news to hear that Atom Bank had been attracted to the city, bringing with it the creation of new employment. However Ms Ballantyne felt it was a shame to develop a new building in a beauty spot such as the former croquet lawns and felt that other sites around the city would have been suitable. It was her understanding that the bank was in its infancy, she therefore questioned the urgency to build premises on greenfield land, when more time could be taken to identify a suitable brownfield site.

In relation to traffic issues, Members were advised that the area had seen a recent increase in traffic due to the merge of Trinity School and other changes in the area. What was once a relatively quiet road was now very busy.

While it was appreciated that staff at the bank would work on a shift system, it was likely they would work similar shifts to the police and so there would still be a lot of traffic on the road when shifts were starting and ending. Members were advised that the road only had one entry and exit point so an increase of even only 10 cars would be disruptive.

Ms Ballantyne advised that when the Trinity School merge was taking place, local residents had requested a specific location for the entrance to the site, though that had been refused. Residents now believed their request had been refused because of the impending application for Atom Bank.

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

- Alternative Sites – this matter was addressed at paragraph 91 of the officer report;
- Traffic – While the concerns from local residents was appreciated, the Highways Authority had considered the impact of development on the highway and was satisfied with the proposals;
- Access – There was already an access point at the development site which would be considered suitable with some modifications.

The Highways Officer advised that staff at Atom Bank would operate on a three shift system and there would be no additional strain at peak hours on the network. It was estimated that some 62 vehicles would leave the bank at 10pm, this number could easily be accommodated on the network.

Councillor Moir welcomed the bank and the employment it would bring to the area. However he acknowledged that the proposed site was a beautiful area and so had sympathy with local residents.

Councillor Kay agreed that the area was one of beauty and he too had sympathy with local residents. However the application needed to be judged against planning considerations and so Councillor moved that the application be approved.

Mr E Twiddy, Atom Bank, addressed the Committee. Members were advised that the bank was very cognisant of the neighbouring area and the place of the site within the city. While the bank was in its infancy, it did employ 140 people and Durham was chosen as the base for a variety of reasons. While other sites had been considered around the area, none were viable options.

Members were advised that the Bank had agreed to allow Trinity School to use the bank carpark at pick up and drop off times to alleviate the strain on the highway.

Councillor Freeman welcomed the application though did have concerns that the traffic on the cul-de-sac would at some point become unsustainable as and when more development occurred in the area.

In response to a query from Councillor Conway, the Principal Planning Officer clarified that the NPPF required consideration of alternative sites and this had been done, as detailed at paragraph 80 of the officer's report.

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

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

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL5/2011/401 and PL/5/2011/402
FULL APPLICATION DESCRIPTION:	PL/5/2011/401 – Four detached residential properties including private vehicular access road PL/5/2011/402 – Partial demolition of Grade II listed garden wall and proposed repair of remainder, partial demolition of boundary wall within curtilage of Hardwicke Hall Manor Hotel in association with residential development of four dwellings
NAME OF APPLICANT:	Mr A & D Bradley
ADDRESS:	Hardwicke Hall Manor Hotel, Hesleden Road, Hesleden, TS27 4PA
ELECTORAL DIVISION:	Blackhall
CASE OFFICER:	Henry Jones Senior Planning Officer 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The site relates to the walled garden and immediate surrounds associated with the Grade II listed Hardwicke Hall Manor Hotel located off Hesleden Road, Hesleden. A heritage statement accompanying the application states that the first evidence of the building on the site dates from the 16th Century with subsequent re-builds and alterations of the main house during the 18th Century to substantially create the building which forms the focus of the property today. The property has been utilised for differing purposes in the past, including as a country house and an administration headquarters of the National Coal Board.
2. The hotel is accessed via a private road located off Hesleden Road and is set within a countryside location to the west of Blackhall and north east of Hesleden. The site is within an Area of High Landscape Value as designated by the Easington Local Plan (ELP). The private road which provides access to the hotel also serves Hardwick Hall Farm and the residential properties 1-5 Hardwicke Court, Four Winds and Wood Cottage.
3. The garden wall within which the residential development is proposed is Grade II listed, situated approximately 60m south of the hotel. The wall layout is oval shaped enclosing an overgrown space containing trees. Trees are also located beyond the

walled garden on the periphery of the application site. The trees are covered by a tree preservation order, TPO 8 Hardwick Hall 1983. Beyond the listed wall there is a further outer wall and between the two a small brick outbuilding.

The Proposal:

4. Two applications have been submitted. The application for planning permission seeks the erection of 4 no. two storey dwellinghouses within the walled garden with associated access and works.
5. The proposed dwellings exhibit simple traditional design with pitched roofs with natural slate roof covering, brick elevations and timber windows. The dwellings are each three bed and each dwelling has a width of 9m, maximum length of 10.6m with a ridge height of 7.6m. The proposed dwellings are arranged in a semi-circular pattern set around a central courtyard, each property with 2 no. parking spaces to the front.
6. Access would be formed via a new access road from the private road to the west. This access road would involve the demolition of a section of the wall forming the walled garden itself and a further section of the outer wall forming part of the curtilage of the hotel. A structural survey of the listed wall and a further survey and evaluation of the wall are included within the submissions which both propose recommendations of structural/repair works.
7. These works to the listed wall require listed building consent (the second application) as do the works to the outer boundary wall by reason of it being an in-curtilage feature covered by the Hardwicke Hall Manor Hotel listing.
8. The application is reported to Central and East Area Planning Committee at the request of the Local Ward Councillor and it constitutes a residential development of fewer than 200 dwellings on a site of less than 4ha.

PLANNING HISTORY

9. Since Hardwicke Hall has been operating as a hotel relatively extensive planning history relates to the site.
10. In 1989 planning permission was granted for retrospective landfill works in association with the formation of additional car parking to the rear of the hotel. In 1992 planning permission and listed building consent was granted for a proposed extension to the rear of the hotel to provide additional kitchen and toilet facilities.
11. In 1995 planning and listed building consent applications for a proposed rear extension to provide staff accommodation were withdrawn. A sewage treatment plant was approved to serve the site in February 1997.
12. In February 1999 planning permission and listed building consent was granted for a major extension to the hotel comprising of 25 bedrooms, leisure facilities, new reception area, conference facilities and managed apartments. The main extensions gained planning permission in full with the conference facilities and managed apartments gaining planning permission in outline. The managed apartments were proposed within the walled garden. Indicative plans presented the managed apartments as a large central block of 1 ½ storeys incorporating a hipped roof and dormers.

13. These consents were then renewed to permit a further 5 year period in which for the development to commence.
14. In March 2005 a further application was approved in outline proposing conference and managed apartments. Once again the managed apartments were proposed within the walled garden.
15. The above planning and listed buildings consents to provide expanded facilities were not implemented and have expired.
16. The two current planning applications (PL5/2011/401 and PL/5/2011/402) were previously placed on the Committee Agenda 10th January 2012. Members resolved to defer determination to permit further time for the applicant and officers to discuss the applications.

PLANNING POLICY

NATIONAL POLICY

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
18. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
19. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
20. *NPPF Part 3 - Supporting a Prosperous Rural Economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
21. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

22. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
23. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning 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.
24. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
25. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
26. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
27. *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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

28. 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. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; flood risk; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise;; planning obligations; rural housing; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

District of Easington Local Plan 2001 (ELP)

29. *Policy 1 – General Principles of Development.* 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.
30. *Policy 3 – Protection of the Countryside.* 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.
31. *Policy 7 – Protection of Areas of High Landscape Value.* Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.
32. *Policy 14 - Protection of Special Areas of Conservation.* Development which is likely to adversely affect such a site will only be approved where there is no alternative solution and there are reasons of an over-riding national interest. In cases where a priority habitat or species may be affected development will only be approved where it is necessary for reasons of human health or public safety or beneficial consequences of primary nature conservation importance arise.
33. *Policy 15 - Protection of Sites of Special Scientific Interest and National Nature Reserves.* This policy states that development which is likely to adversely affect a notified site of special scientific interest will only be approved where there is no alternative solution and the development is in the national interest.
34. *Policy 16 - Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* This policy states that development likely to adversely affect such a site will only be approved where there is no alternative solution within the county or district (as appropriate) and the development is in the national interest.
35. *Policy 18 – Species and Habitat Protection.* 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.
36. *Policy 24 – Protection of Listed Buildings.* Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.
37. *Policy 35 – Design and Layout of Development.* 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.

38. *Policy 36 – Design for Access and Means Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
39. *Policy 37 – Design for Parking.* The design and layout of new development should minimise the level of parking provision (other than for cyclists and disabled people) which, other than in exceptional circumstances, should not exceed the maximum levels guidance.

RELEVANT EMERGING POLICY:

The County Durham Plan

40. 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 has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

Monk Hesleden Neighbourhood Plan

41. In September 2013 Monk Hesleden Parish was granted approval for designation of a neighbourhood area having regards to the Neighbourhood Planning (General) Regulations 2012. However, work on the neighbourhood plan has ceased. In addition the application site lies outwith the area which the designation specifically related to. As a result it is considered the Monk Hesleden Neighbourhood Plan is not material to the determination of the applications.

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/ldf> (District of Easington Local Plan)
<http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Monk Helseden Parish Council* – Resolved to provide no comments on the applications.
43. *Highway Authority* – No objections are raised to the addition of 4 properties utilising the private road from B1281, however, a widening of the access road would be required and a speed hump relocated. Regular maintenance of the roadside vegetation on the B1281 either side of the existing road junction to ensure an adequate visibility splay is required. Should the proposed access where it breaches the listed wall be sought with a 3m width it should have a straight approach with a “give way” arrangement.

44. *Historic England* – No comments are made. The applications do not fall within their statutory remit for providing comment.
45. *Natural England* – No objections. It is stated that the development does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. Standing advice with regards to protected species is provided with no objections raised.
46. *Northumbrian Water* – No objections.
47. *Environment Agency* – Raise no objections. Foul waters would be discharged into an existing sewage treatment tank. Provided that the treatment tank is appropriately it would be able to cater for the level of discharge.

INTERNAL CONSULTEE RESPONSES:

48. *Design and Conservation* – Object to the proposals. Officers consider that the proposed development would cause demonstrable harm to the listed wall. This would be as a result of the direct effects of the proposed vehicular access impacting upon the fabric and completeness of the wall. The submitted wall survey and evaluation does not provide a complete picture of the condition of the listed wall due to the degree of undergrowth and ivy coverage restricting access and the full degree of conservation works necessary is unknown. The heritage statement and other supporting documents whilst capturing well the known significance of the listed wall do not identify the full significance of its oval shape, the role of the internal space or wider role in the setting of the Hall. The proposed residential dwellings and associated works would result in substantial harm to the setting of the listed wall as a result of the infilling of the space that it encloses. The submitted “Economic Statement and Case for Enabling Development” document is considered to fail the tests of an enabling case. The planning application is considered to fail to demonstrate the necessary public benefits or enabling case to outweigh the harm to the heritage assets.
49. *Landscape* – Object to the proposals. Officers are of the view that the visual intrusion of the two storey dwellings has been under estimated and under assessed. The visual impact of the development, as seen above the walled garden, will negatively affect the, the landscape character of the designated Area of High Landscape Value and the appearance of the countryside on the fringes of Blackhall Colliery settlement. The development would result in the loss of trees including distinctive Scots Pine. The walled garden by reason of its size and shape is likely rare. The development would result in adverse heritage impact.
50. *Tree Officer* - The site is subject to a Tree Preservation Order (TPO). Further details on the precise works and impacts upon trees are required.
51. *Senior Structural Engineer* – No objections are raised to the submitted structural report on the listed wall.
52. *Archaeology* – Object to the proposals. It is considered that the proposed development would have a detrimental impact upon the setting of the listed hall and wall. The submitted desk based archaeological assessment highlights the possibility of the Medieval manor complex extending into the development. It is considered that there is evidence of medieval period earthwork features to the south-west of the hall and that the settlement in that period extended beyond the existing complex. The submitted desk based archaeological assessment recommends that trial trenching is required.

53. *Ecology* – No objections. The recommendations contained within the submitted method statement should be conditioned.
54. *Economic Development and Regeneration* – Improvements to hotels and potential enhancements to safeguard and create jobs or tourist custom in the County can be broadly supported. The suggestions that receipts from the residential development would be utilised towards improvements to the main hotel and listed wall is welcomed. However, inadequate justification and evidence has been submitted for the proposal to be properly assessed as an enabling development. Detailed costings, development appraisals related to the work sought is not provided. A section 106 legal agreement or heads of terms demonstrating how proceeds would be attributed to works has not been submitted and would have demonstrated greater commitment. Support cannot be offered to the scheme in its current form.

PUBLIC RESPONSES:

55. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of three letters have been received, all in support. Comments are summarised below.
56. *Alan Cox (Former Blackhall Division Councillor)* – Supports the application. The proposals would support the future success of the business and the hotel provides a service to the local community and clients from all over the country and worldwide. A request is made that the application be heard at Planning Committee.
57. *Councillor Crute (Blackhall Division)* – Requests that the application be heard at Planning Committee.
58. *East Durham Business Service* – Support the proposals.

APPLICANTS STATEMENT:

59. The application is supported by a Design and Access Statement, Heritage Statements, Planning Policy Statement and Economic Statement and Case for Enabling Development.
60. Hardwicke Hall Manor Hotel is a family run business which caters for both commercial and tourist visitors, holds private functions as well as providing a full bar and restaurant service. The hotel is three stars rated and is currently the only significant remaining hotel in the East Durham area.
61. Planning permission has previously been granted for the expansion of the hotel facilities including managed apartments located within the walled garden. However, this permission was never implemented due to financial constraints that saw a threefold increase in the estimated development costs.
62. The proposed development that will secure a capital contribution that will be invested into the business thereby securing its long term sustainability and protect the 31 jobs directly associated with the business. The funding will permit works for the preservation of the listed wall with other potential further works to the listed hall such as roof repair and central heating upgrade identified should remaining capital permit.
63. The supporting documents consider that many key planning considerations are met through the development including its contribution to sustainable economic development; constituting an exceptional case to rural restraint policies; contribution

to the provision of needed executive housing and conservation of the heritage assets. Most emphasis, however, is placed on the contribution the development would make to the sustaining of the existing hotel business and the benefits of this to the local community, economy and employment.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development; the case for special circumstances and listed building discussion; landscape and visual impacts; highway safety/issues; residential amenity and ecology.

Principle of Development

The Development Plan

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The CDLP remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
66. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
67. The application site lies beyond any settlement boundary as defined in the Easington Local Plan (ELP). ELP Policy 3 states that development outside the “settlement limits” will be considered as development in the countryside and unless specifically allowed for by other policies, such development will not be approved. There is no saved policy within the ELP which relates to housing in the countryside. The

application in seeking housing beyond a settlement boundary is in conflict with ELP Policy 3. Policy 1, advising on the general principles of development, reiterates this advice.

68. Nationally, recent planning case law has found that policies within existing Local Plans that refer to settlement boundaries can be considered to be policies for the supply of housing. Furthermore, the Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing are based on housing figures of some age, which did not represent an objectively assessed need, are "out of date" irrespective of the position on 5 year housing land supply (discussed separately below).
69. Given the age of the ELP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need. Policies 1 and 3 must now be considered "out-of-date", for the purposes of Paragraph 14 of the NPPF and no weight can be afforded to them in relation to their advice on housing supply.
70. Consequently, it is considered that in this instance, the proposal should not be assessed against its compliance with ELP Policies 1 and 3 having regard to their advice on housing land supply but instead should be assessed against advice contained within Paragraph 14 of the NPPF.

Five Year Housing Land Supply

71. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. The NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements); however there is also an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a history of persistent under delivery of housing, LPAs should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Based on completion rates in recent years it is accepted that 20% is currently applicable in County Durham.
72. In the determination of recent planning applications the Council considered that a five year supply of housing land could be demonstrated. This was based upon the most up to date Objectively Assessed Need (OAN) in relation to housing which was derived from the findings of the Inspectors Interim Report in relation to the County Durham Plan Examination in Public. However, with this Interim Report now quashed this OAN cannot be utilised to inform on the five year housing land position. A revised OAN is currently being calculated but is not complete. The Council is therefore currently unable to calculate and therefore cannot demonstrate a five year housing land supply.
73. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the ELP are out-of-date as outlined above.

Locational Sustainability of the Site

74. The application site lies beyond any settlement boundary but as stated above no weight can be attributed to ELP Policy 3. The NPPF does not advocate the use of settlement boundaries nor does it preclude development on the edges of settlements though advocates that development should be sustainable.
75. The grouping of buildings at Hardwicke Hall (including adjacent properties) is detached from the built-up settlement of Blackhall Colliery with the application site approximately 170m to the west. Blackhall Colliery is contained to the east of the application site by the Hardwick Dene which provides a clear natural and physical boundary to the settlement.
76. Blackhall Colliery has a range of services and facilities including shops, two primary schools and a medical practice with bus services on Coast Road running through the centre of the settlement. A footpath runs on the south side only of the B1281 which connects the private access drive at Hardwicke Hall to Blackhall Colliery, however, walking distances to many of these services are quite lengthy with Coast Road approximately a 1.3km walking distance from the location of the proposed housing.
77. As a result it is considered that the proposed dwellings would not constitute a logical extension to a settlement and rather represent more isolated development within the countryside to which paragraph 55 of the NPPF advises against unless special circumstances would apply.

Conclusion of the Principle of the Development

78. ELP Policies in relation to housing supply are not up-to-date. As a result the acceptability of the development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.
79. As the development constitutes an isolated residential development paragraph 55 of the NPPF is relevant and provides specific advice on those special circumstances in which the development can be considered acceptable. Should the development not meet the advice contained within paragraph 55 it is considered that the NPPF is indicating that the development should be restricted as per the advice contained at paragraph 14.

The Case for Special Circumstances and Listed Building Discussion

80. The originally submitted documentation in support of the applications sought, on economic grounds, to justify the housing development despite an accepted conflict with rural restraint policies and guidance in this regard.
81. The original supportive documentation to the development outlined that the housing development would generate a significant injection of capital in order to secure the future of the business and the associated benefits that would result in regards to the service the hotel provides in East Durham, the benefits to the local economy and employment opportunity. Other benefits of the development are cited within the documentation as the provision of executive housing and the conservation of the listed wall.

82. During the course of the determination of the applications a further “Economic Statement and Case for Enabling Development” (the Economic/Enabling Statement) has been submitted to present further the supportive case for the development and is the first formal introduction of an enabling case justification for the development. The underlying premise of the Economic Statement is stated as being the enabling aspect of the proposed development that will secure a capital contribution that will allow the business to invest financially in improvements to the fabric of the hotel building and grounds and thereby secure its long term sustainability and protect the 31 jobs stated as directly associated with the business. Originally submitted documentation in support of the development referenced the contribution the financial receipt from the development would make to the repaying of a loan debt, though this is not referenced within the more up to date Economic/Enabling Statement.
83. The Economic/Enabling Statement considers that the operating profitability of the hotel is insufficient to provide available capital to fund any significant upkeep, maintenance or improvement works to the listed hall, wall or outbuildings within the grounds of the hotel. The Economic/Enabling Statement considers that the financial receipts from the proposed residential development can be used to fund the preservation of the listed wall with other potential further works to the listed hall such as roof repair and central heating upgrade identified should remaining capital permit.
84. The Economic/Enabling Statement reinforces the considered benefits that the investment would bring in securing the future of the hotel and associated economic and tourist benefits.
85. Paragraph 55 of the NPPF states that in principle an isolated housing development can be accepted where there are special circumstances which includes where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
86. Similarly, paragraph 140 of the NPPF states that LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset outweigh the disbenefits of departing from those policies.
87. Enabling development is not a statutory term but was confirmed as a legitimate planning tool in 1988 by the Court of Appeal. Historic England within its guidance “Enabling Development and the Conservation of Significant Places” (Historic England Guidance) define enabling development as “development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.” It is an established and useful planning tool to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so.
88. The Historic England Guidance provides detailed advice for applicants, Local Authorities and interested parties in respects to the wide range of enabling development issues such as the need to fully understand the heritage assets, the assessment of financial appraisals accompanying applications, decision making, securing the benefits and monitoring and enforcement. The Historic England Guidance includes a policy establishing the key criteria which an enabling development case should meet to be found acceptable. This includes but is not restricted to:

- That the development will not materially harm the heritage values of the place or its setting; it will secure the long-term future of the place;
- The development is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- Sufficient subsidy is not available from another source;
- The amount of development is the minimum necessary; and
- The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

89. It is considered that the application does not present an enabling development which meets this guidance and in turn it is considered that the proposals do not represent an appropriate enabling argument having regards to NPPF paragraphs 55 and 140.
90. The development proposals themselves would cause harm to heritage assets. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 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.
91. The NPPF at paragraph 128 emphasises the importance of understanding the significance of heritage assets including any contribution made by their setting. Whilst the submitted heritage statements capture well the known significance of the listed wall, the full significance of its oval shape, which is rare, the role of the internal space or wider role in the setting of the Hall itself is not fully identified.
92. Despite this the proposed residential dwellings would result in substantial harm to the setting of the listed wall as a result of the infilling of the space that it encloses. The Historic England Good Practice Advice in Planning note “The Setting of Heritage Assets” provides detailed advice in regards to the setting of heritage assets including the contribution that setting makes to significance highlighting that significance derives not only from its physical presence and historic fabric but the surroundings in which it is experienced as well as perceptual and associational attributes. The large expanse of hardstand on the inside of the walled garden comprising of the resin bonded gravel courtyard that provides parking and manoeuvring space is considered to contribute to the detrimental impact upon the setting of the listed wall.
93. The creation of a vehicular access would have a direct and substantially harmful impact upon the fabric and completeness of the wall. It is acknowledged that during the course of the applications the width of the breach has been narrowed to reduce impact but nevertheless the harmful impact would occur.
94. Furthermore though the full understanding of the relationship of the listed wall, the garden it encloses and the listed hall is not clear it is considered that a degree of harm, likely less than substantial harm, would occur to the setting of the hall as a result of the proposed residential development. The aforementioned harm to the setting of the listed wall and the association of the listed wall and enclosed space with the hall result in harm to the setting more widely of the listed Hall.
95. As a result, it is considered that the proposals by reason of the effects upon the fabric of the listed wall and the effects of the proposed dwellings upon the setting of

the listed wall and listed hall result in harmful impacts upon the heritage assets. It is considered that in the case of the listed wall that this would be substantial harm and in the case of the listed hall less than substantial harm. These effects would be contrary to section 66 of the Listed Building Act as well as the requirements of ELP Policy 24 and Part 12 of the NPPF. ELP Policy 24 is considered consistent with the provisions of the NPPF and can therefore be afforded weight in the determination of the application. Design and Conservation Officers have objected to the applications.

96. Whilst the applications propose reparatory works to the listed wall which would, in principle, provide a beneficial impact upon the heritage asset, the presence of undergrowth and ivy coverage means that a complete understanding of the condition of the wall and in turn a fully informed schedule of works cannot be prepared or costed. The level of work required to the wall may far outweigh the monies produced from development or conversely the amount of development required may be far less to facilitate the repair of the wall. In the absence of a full understanding of the works necessary to the wall, nor development appraisal submissions, it is unknown. The information supplied to support a proposal for an appropriate enabling development should cover all financial aspects of the proposed enabling development, at a sufficient degree of detail to enable scrutiny. This applies both to the definition of need of the enabling development – the condition of the place and the means and cost of addressing its problems and the definition of the scale of development necessary to meet that need.
97. The remaining further works to the listed hall such as roof repair and central heating upgrade are not provided in detail and are stated as being potential works should remaining capital permit. Again no financial information in regards to these works are provided.
98. The applications are considered to fail to meet other tests of the enabling development policy contained within the Historic England Guidance. The development would appear to result in the fragmentation of the of the management of the heritage assets with the residential properties within the walled garden sold and the listed wall itself in shared ownership or maintenance responsibility. It cannot be quantified that the long term future of the heritage assets would be secured having regards to the absence of development appraisal information. Means of securing the works proposed is not clear. The originally submitted “Planning Policy and Heritage Statement” does reference a willingness to a condition or legal agreement in relation to the works proposed to the listed wall though the more up to date Economic/Enabling Statement does not reference this. No suggestions of phasing of the development proposals have been made having regards to the Historic England advice that the benefits of the enabling development should be secured as early as possible and that the beneficial impacts of the development should be a step ahead of any detriment. Overall it is considered that the proposed enabling case does not meet the tests of an appropriate enabling development as referred to within paragraphs 55 and 140 of the NPPF.
99. It is acknowledged that the applicant has sought to emphasise the general economic and public benefits that the development proposals would bring aside from any specific enabling case debate. It can be appreciated that, in broad terms, the financial receipt from the development may have a beneficial impact upon the economics of the operation business. In turn should the business in economic terms, be in a more healthy condition than at present it can also be appreciated that this may place the hotel business in a better position for the future with the associated employment and tourism service. The supportive comments received from the East Durham Business Service and Alan Cox are noted. However, in order to overcome the objections to the isolated nature of the residential development

proposed and the resultant harm to heritage assets it is considered that any special circumstances or public benefits must be more demonstrable and more clearly secured than the applications propose.

Landscape and Visual Impacts

100. The application site lies within a designated Area of High Landscape Value (AHLV) to which ELP Policy 7 relates. This Policy states that development which adversely affects the character, quality or appearance of the AHLV will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County. The policy is considered only partially NPPF compliant as whilst the NPPF acknowledges the importance of protecting the character of valued landscapes it does not recommend local landscape designations.
101. Landscape Officers object to the development proposals. The visual impact of the development, as seen above the walled garden, will negatively affect the landscape character of the designated AHLV and the appearance of the countryside on the fringes of Blackhall Colliery.
102. Whilst the provision of the dwellings proposed would represent isolated development in the countryside and therefore requires the demonstration of special circumstances so as to be acceptable, in wider landscape terms, the siting of the dwellings would be well contained. Trees both within the site and beyond the site adjacent to the B1281 and within Hardwick Dene would effectively screen the development from many public vantage points. When approaching Hardwicke Hall from the private access road off the B1281 the dwellings would then become more prominent where they project above the listed wall.
103. The application site is covered by a Tree Preservation Order (TPO). The application is accompanied by a tree report and plan identifying the trees. Works including removals could result due to the siting of the proposed access where it breaches the listed and outer walls and as a result of the development within the walled garden itself. The Council's Tree Officer considers that inadequate information has been submitted to determine the precise works to trees necessary. Many of the trees within and adjacent to the walled garden are self-seeded specimens, however, trees of greater value including mature pine trees are within the immediate vicinity of the works.
104. Site visits have been held with representatives of the Council's Landscape Team and the arboricultural consultants of the applicant to discuss further the implications of the development upon trees. Whilst no further arboricultural information has been forthcoming following these discussions it is considered that in the event of any approval, conditions could be added to resolve final works and protection measures.
105. Notwithstanding the isolated nature of the site and the concerns expressed regarding impacts upon heritage assets in landscape terms the impact upon the character and appearance of the AHLV within which the site is located is considered limited and specific objection to the proposals on these grounds are not raised.
106. No objections are raised to the proposed dwellings themselves in terms of their appearance and design. The proposed dwellings comprise of a simple and traditional design. Quality materials are proposed with the use of brick, slate to the roof coverings and timber windows. The submitted design and access statement presents in detail the design evolution of the scheme and the consideration given to several renditions of the proposals. No objections are raised to the development

having regard to the advice within ELP Policy 35. Policy 35 is consistent with the NPPF and can be afforded full weight in the determination of the application.

107. However, as previously referred to, the large expanse of hardstand on the inside of the walled garden comprising of the resin bonded gravel courtyard that provides parking and manoeuvring space is considered to contribute to the detrimental impact upon the setting of the listed wall.

Highway Safety/Issues

108. The Highway Authority raises no objections to the principle of the addition of four properties utilising the private road from the B1281. However, a widening of the access road would be required and a speed hump relocated. Regular maintenance of the roadside vegetation on the B1281 either side of the existing road junction to ensure an adequate visibility splay is required. Conditions could be added to any approval to resolve the final details in this regard.
109. The originally submitted plans proposed that the access, where it breaches the listed wall had a width of 4m. An amended plan reduced this width to 3m so as to reduce the impact upon the heritage asset. The alignment of this access route was also amended so as to reduce potential impacts upon trees. However, the Highway Authority has advised that this amended alignment is not straight enough and would require revision together with formation of a “give way” arrangement. A condition could be added to any planning permission to agree the precise alignment of the access through the outer and listed wall.
110. As a result no objections to the development are raised with regards to highways issues with the development considered compliant with Part 4 of the NPPF and ELP Policies 36 and 37 which are considered consistent with the NPPF and can therefore be afforded weight in the decision making process.

Residential Amenity

111. The application site is somewhat divorced from neighbouring property. Hardwicke Hall itself is located approximately 60m north of the nearest proposed dwelling with the nearest residential property being Wood Cottage at approximately 70m to the west. Taking into consideration the separation distances involved and the screening afforded to the proposed development by the listed and outer walls and landscape features it is not considered that any detrimental impact upon the occupiers of neighbouring property would occur through the loss of privacy or amenity. The layout and design of the proposed dwellings would also provide for adequate amenity for the prospective occupiers.
112. Hardwicke Hall Farm is located approximately 130m to the north-west of the walled garden within which the proposed dwellings would be cited. Though movements associated with the farm could share the access route with the proposed dwellings it is considered that the scale of operations and distances involved between the farm and dwellings are such that the farm would not result in detrimental impacts upon the prospective occupiers through for instance noise, disturbance or odour.
113. The demolition and construction activities associated with the development would generate a degree of noise, vehicular movements and potentially dust. However, the scale of the development proposals is relatively modest and the works associated with the construction phase would be temporary in nature. As a result no objections are raised to the development on the grounds of the impacts upon amenity as a result of the construction/demolition phase of the development.

114. No objections to the development are raised with regards to residential amenity with the development considered compliant with Part 11 of the NPPF and ELP Policy 36 which is considered consistent with the NPPF and can therefore be afforded weight in the decision making process.

Ecology

115. Under the requirements of Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a European Protected Species (EPS), unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitat 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 licence from Natural England. This requires an examination of the derogation provisions if there is likely to be a disturbance of an EPS.
116. The application is accompanied by a bat risk assessment. The submitted bat risk assessment found no evidence of bat usage at the site, however, given the condition of the wall and presence of holes within its fabric there is the potential for the wall to provide roosting habitats. As a result a method statement has been prepared and proposes precautionary working methods and timings. This method statement can be conditioned on any approval as advised within the comments of the Ecology Officers. As no protected species licence from Natural England is considered to be required there is no requirement to examine the proposals against the derogation provisions.
117. With regards to statutory designated sites, the Sites of Special Scientific Interest (SSSIs) and Special Areas of Conservation (SACs) at Castle Eden Dene and Durham Coast are located approximately 800m and 1.2km from the site. The Northumbria Coast Special Protection Area (SPA) and RAMSAR site is located approximately 2km from the site. Natural England raise no objections to the development with regards to the potential impacts upon statutory designated sites. With regards to non-statutory designated sites Blackhall Grasslands local nature reserve is located approximately 1.1km from the site and Hesleden Dene local wildlife site is located 1.3km from the site. Ecology Officers raise no objections to the development with regards to potential impacts upon statutory or non-statutory designated sites.
118. As a result no objections are raised to the development on ecological grounds with the development considered compliant with Part 11 of the NPPF and ELP Policies 14, 15, 16 and 18 which are considered consistent with the NPPF and can therefore be afforded weight in the decision making process.

Other Issues

119. The applications have been accompanied by an archaeological desk-based assessment. This assessment considers that there is the potential for impact upon archaeological resource and recommends that this be further evaluated through the excavation of trial trenches.
120. Archaeology Officers object to the application and highlight the need for trial trenching as recommended within the desk-based assessment having regards to the evidence of medieval period earthwork features to the south-west of the hall and that

the settlement in that period extended beyond the existing complex with potential for the medieval manor complex extending into the development site. No results of trial trenching have accompanied the application. However, in an event of an approval it is considered that a condition could be utilised to ensure such trial trenching is undertaken.

121. The application site lies within flood risk zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. Foul waters would be discharged into an existing septic tank. The Environment Agency has stated that provided the existing sewage treatment tank is appropriately maintained it would be able to cater for the level of discharge. Surface waters are proposed to discharge to the Hardwicke Dene at greenfield run-off rates. A condition could resolve final details. Officers raise no objections on the grounds of flood risk having regards to Part 10 of the NPPF.
122. The planning application has been accompanied by a contaminated land risk assessment and this considers that the site is low risk with no requirement for a further phase 2 intrusive investigation.

CONCLUSION

123. In order to justify the refusal of planning permission Paragraph 14 of the NPPF requires any adverse impacts of a proposed development to significantly and demonstrably outweigh any benefits, or that specific policies within the NPPF indicate that the development should be restricted.
124. The proposed residential development would not constitute a logical extension to a settlement but rather more isolated development which is not a sustainable location for new housing. Paragraph 55 of the NPPF advises against the provision of isolated new homes in the countryside unless special circumstances apply.
125. The planning application presents an enabling and public benefit case. However, it is considered that proposals fail to meet the requirements of an appropriate enabling case. Harm to heritage assets would result from the development proposals. No other demonstrable or significant benefits are considered to apply to that would outweigh the adverse impacts of isolated housing and the harm to heritage assets and this is in knowledge of the benefit that the proposals would have to housing land supply.

RECOMMENDATION

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

PL/5/2011/0401 (Planning Application)

1. The Local Planning Authority considers that the proposed development would represent an isolated residential development for which no acceptable special circumstances have been demonstrated and as a result the proposed development does not represent sustainable development. The development is considered contrary to paragraph 55 of the NPPF.
2. The Local Planning Authority considers that the proposed development by reason of its partial demolition works, scale, siting and design would result in substantial harm to the fabric, character and setting of the Grade II listed Garden Wall and less than substantial harm to the setting of the Grade II listed Hardwicke Hall Hotel. The public

benefits of the development do not outweigh the harm and the development is contrary to paragraphs 133 and 134 of the NPPF and Policy 24 of the Easington Local Plan.

PL/5/2011/0402 (Listed Building Consent)

1. The Local Planning Authority considers that the proposed development by reason of the partial demolition of the Grade II listed Garden Wall and resultant effect on fabric and character would result in substantial harm. The public benefits of the development do not outweigh the harm and the development is contrary to paragraph 133 of the NPPF and Policy 24 of the Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- District of Easington Local Plan
- Historic England publications “Enabling Development and the Conservation of Significant Places” and “The Setting of Heritage Assets”
- Statutory, internal and public consultation responses



Planning Services

PL5/2011/401 and PL5/2011/402

PL5/2011/401 – Four detached residential properties including private vehicular access road

PL5/2011/402 – Partial demolition of Grade II listed garden wall and proposed repair of remainder, partial demolition of boundary wall within curtilage of Hardwicke Hall Manor Hotel in association with residential development of four dwellings

Mr A & D Bradley

This map is based upon Ordnance Survey material with the permission Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date
10th November 2015

Scale
Not to scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02514/OUT
FULL APPLICATION DESCRIPTION:	Outline application, including access details, for retail food store, incorporating car park, landscaping and new vehicular access.
NAME OF APPLICANT:	Ogden Group of Companies
ADDRESS:	Land adjoining Bowburn South Industrial Estate, Durham Road, Bowburn
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Peter Herbert, Senior Planner, peter.herbert@durham.gov.uk 03000 261391

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site lies close to the southern end of Bowburn South Industrial Estate, which in turn is positioned within the south western part of Bowburn village.
2. The site is bordered to the east by the north – south running A177, and by industrial estate roads to the south and west. To the north lies open land with tree coverage.
3. The application site is currently open scrub land, with a significant tree line along the eastern boundary, and further isolated trees growing along the southern and western boundaries. Woodland stands to the north. There are signs of informal footpath use crossing the site, but no public footpaths.
4. There are no designated landscapes, ecological sites or known designated heritage assets within the application site or in the vicinity. However, the site formed part of the former Bowburn Colliery and is believed to be close to the line of a former Roman road. A non-designated heritage asset.

Proposal

5. It is proposed that a food store of 4,184m² gross floor space be located on this site, and whilst the application is to establish the acceptability in principle of such development, with vehicular access details provided, an illustrative site plan accompanies the submission showing the store to be located at the southern end of the site, with car parking to the north.
6. The store would take the form of 4,184 m² gross floor space comprising 2,453m² net (60% of the gross floor area) split into 1,821m² net convenience goods floor space

and 632m² comparison goods floor space. The application seeks to re-establish a 2012 permission which lapsed in September 2015, and this latest application comprises exactly the same proposal on the same site with the same access arrangements.

7. The main vehicular access would be taken from the A177 via a traffic light controlled junction at the north east corner of the site, forming a crossroads with Bede Terrace to the east. This would serve a 313 space car park. A service yard within the south western corner of the site would be accessed from the estate road to the west. A recycling centre in the north western corner of the site would be accessed separately, again from the estate road to the west.
8. Existing trees would be retained where possible, and reinforced and enhanced as part of any subsequent detailed (or reserved matters) planning application.
9. The application is being reported to Central and East Committee as it constitutes a major retail application of less than 10,000 sq. m on a site of less than 2 ha.

PLANNING HISTORY

10. In 2008 outline planning permission (with all matters reserved other than vehicular access) was granted for 2,450m² gross retail floor space on this site.
11. In 2009 a variation of Condition 12 of the 2008 consent allowed no more than 1,500m² gross (1,000m² net floor space) for the sale of convenience goods.
12. A further variation of Condition 12 of the 2008 consent was allowed in 2011 for no more than 1,350m² net floor space for the sale of convenience goods. Later in 2011 the 2008 outline planning permission was extended for a further three years.
13. In 2012 outline planning permission was granted for a food store of 4,184m² gross floor space to be located on this site, with all matters reserved other than vehicular access.

PLANNING POLICY

NATIONAL POLICY

14. 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.
15. 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.
16. *NPPF Part 1 – Building a strong, competitive economy* states a commitment to securing economic growth to create jobs and prosperity. Significant weight is therefore attached to supporting such growth through the planning system. When assessing applications for retail development a sequential approach should be applied, putting

town centre sites first. For schemes in excess of 2500 sq. m a retail impact assessment should be undertaken, gauging impact upon existing, committed and planned public and private investment in shopping centres within the proposal's catchment area, and any impact upon the vitality and viability of such shopping areas through trade diversion.

17. *NPPF Part 2 – Ensuring the vitality of town centres* recognises these as being the heart of their communities, and their vitality and viability to be important. When assessing applications for retail development a sequential approach should be applied, putting town centre sites first. For schemes in excess of 2500 sq. m a retail impact assessment should be undertaken, gauging impact upon existing, committed and planned public and private investment in shopping centres within the proposal's catchment area, and any impact upon the vitality and viability of such shopping areas through trade diversion.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.

24. 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*)

25. 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, flood risk and coastal change, and transport.

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

LOCAL PLAN POLICY:

City of Durham Local Plan 2004 (CDLP)

26. *Policy EMP 8d – General Industrial Estates* – designates the application site as part of Bowburn South Industrial Estate. However, it has a dual designation as also being suitable for retail development (Policy S6b).
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 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.
29. *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.
30. *Policy HI3 – Residential Areas- Impact upon Character and Amenity*. Seeks to protect the character and levels of residential amenity those living in such areas can reasonably expect to enjoy.
31. *Policy S1A – Retail Hierarchy*. Is designed to protect vitality and viability of the local retail hierarchy by employing a sequential approach based upon the “town centre first” principle.
32. *Policy S6b – Village Shops*. Identifies Bowburn as a village where a shop of less than 1,000m² will be permitted subject to it not adversely affecting the viability of any other

local centre or village, it not resulting in adverse retail impact or harm to amenity and it is situated close or well related to the existing shops or facilities in the village.

33. *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.
34. *Policy U11 – Development on Contaminated Land* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
35. *Policy U13 – Development on Unstable Land* only permits such development were it have been proven there is no risk to the development or users, or that satisfactory remedial measures can be undertaken.
36. *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.
37. *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.
38. *Policy T10 – Parking.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

EMERGING POLICY:

The County Durham Plan

39. 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 has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

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)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Cassop cum Quarrington Parish Council* – has no objection to the proposal.
41. *The Highways Agency* – offers no objection.
42. *The County Highway Authority* – offers no objection. Impact on the local highway network, and proposed vehicular access arrangements from the A177 via a traffic signal controlled junction, are considered to be acceptable. On-site car parking numbers are also agreed, subject to the addition of a minimum of four bays dedicated to electrical vehicle recharging.
43. *The Coal Authority* – offers no objection subject to the imposition of a condition or conditions. The Authority identifies the site as lying within a defined Development High Risk Area therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Authority concurs with the recommendations of the submitted Geo -environmental Geotechnical Assessments and requests that the implementation of these measures form conditions of any planning permission.
44. *The Environment Agency* – offers no objections subject to standing advice relating to land contamination and disposal of foul sewage which has been sent to the applicant's agent.
45. *Northumbrian Water (NWL)* – offers no objection subject to it being a condition of any planning permission that a detailed scheme for the disposal of foul and surface water be agreed with both the local planning authority (LPA) and NWL prior to any development commencing, in line with the Hierarchy of Preference (soakaway, watercourse, then finally sewer).
46. *Drainage & Coastal Protection* – offers no objection considering that the site is of low flood risk. Sustainable drainage principles, adopting the Hierarchy of Preference within the Surface Water Management Plan and Building Regulations should be adhered to.
47. *Air Quality* – offers no objection. The site does not fall within a designated Air quality Management Area. However, mitigation measures would be expected where traffic generation or other potential sources of emissions exceed a certain level, and reference is made to national guidance.

INTERNAL CONSULTEE RESPONSES:

48. *Spatial Planning Policy* – has carefully assessed this application against national and local planning policies, paying particular attention to potential retail impact upon shopping centres lying within the primary retail catchment area of the proposed store. Taken also into account, with due weight given, are the significant benefits to Bowburn a new foodstore would bring. The conclusion is that the application is broadly in accordance with relevant planning policy, and that the benefits significantly outweigh any disbenefits.
49. *Design & Conservation* – offer no objection. The site's prominent location is recognised as requiring a key corner landmark building, the details of which to be provided at the reserved matters planning application stage through condition.. The effective screening of the service yard, visual breaking up of the car park and a desire to retain the best trees are also highlighted.
50. *Archaeology* – offers no objection. The recommendations of the submitted desk-based archaeological assessment of the application site, which include a strip, map and

record exercise as part of the ground works for any development, in recognition of the close proximity to a Roman road and to the former Bowburn Colliery, are accepted. Appropriate planning conditions that address archaeological impact mitigation and the recording of finds are requested.

51. *Landscape* – offers no objection. Landscaping is viewed as being a key component to the success of any future detailed scheme on this site. In that regard it is noted that the submitted Design and Access Statement recognises the value of existing trees and the necessity to mitigate for any tree losses.
52. *Ecology* – offers no objection. The conclusions and mitigation recommendations contained within the submitted Extended Phase 1 Habitat Survey, and Great Crested Newt and Dingy Skipper butterfly surveys are accepted. Accordingly, no objection is raised subject to the recommendations being implemented.
53. *Access & Rights of Way* – offers no objection. However, although there are no recorded public rights of way running through the application site, there is a strong possibility that a number of informal paths crossing it have acquired public rights. It is therefore recommended that, as far as possible, as many of these pedestrian links are retained as part of any new development.
54. *Environment, Health and Consumer Protection* – offers no objection. However, it is anticipated that noise, smoke, dust and light impact could result from this proposal during both its construction and operational stages. Accordingly, appropriate planning conditions are requested to address these issues should planning permission be granted, together with working hours restrictions during the construction phase.
55. *Environment, Health and Consumer Protection (Land Contamination)* – offers no objection. Whilst it is noted that the submitted Geoenvironmental and Geotechnical Assessment was produced in 2010 and so not up to date, it is accepted that circumstances are unlikely to have changed. Therefore, as was the case with previous planning permissions on this site, any consent should be subject to planning conditions relating to site investigation and remediation, in respect of contaminants, should there be any.
56. *Sustainability* – offers no objection. However, it should be a condition of any planning permission that any subsequent reserved matters planning application includes a detailed sustainability statement.
57. *Targeted Training and Recruitment* – states an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training. It is therefore requested that any planning permission be conditional upon collaboration with the Council's Employability Team to source suitable candidates.

PUBLIC RESPONSES:

58. The application has been advertised in the local newspaper, by the display of site notices and through individual letters to those living and operating businesses close by. No responses have been received as a result of this publicity.

APPLICANTS STATEMENT:

59. The application before you today seeks to renew the permission for a food store on land at Durham Road, Bowburn. There have been previous consents for retail

development on the application site all of which have been modified to respond to changes in the marketplace and the demands of retailers.

60. The previous permission was granted in 2012 at a time when the country was experiencing a significant economic downturn. Whilst the scheme was designed to meet retailer's requirements as well as the demand generated by the population of Bowburn, the interest expressed by end operators during this recessionary period was extremely limited.
61. Therefore, we have been unable to attract an end user over the past three years despite active marketing of the site and direct approaches to the key operators. However, more recently (whilst certain national operators are still experiencing difficult trading conditions) there are a number of operators who are now reviewing new opportunities to expand their market share and provide new facilities in areas where current provision is very limited such as Bowburn.
62. As a result, there is now a renewed interest generally within the food retail sector for new opportunities and we are more confident that an end operator for the proposed development will be secured in the short to medium term. As a result, we are now looking to extend the permission on the site for a further 3 years to allow a more aggressive marketing campaign to take place and an end operator to be found.
63. This will have significant benefits for the local community in Bowburn who currently have very limited shopping facilities locally and, as a result, are forced to travel significant distances to access facilities elsewhere. We recognised that in seeking to support more sustainable development planning policy encourages schemes that will reduce the need to travel as well as provide qualitative improvements to key facilities locally. This application before you will not only benefit existing residents but will also support new families who come to the village as it expands.
64. The application site represents a highly accessible location easily reached by a choice of modes of travel and will address a clear deficiency in Bowburn's current retail provision.
65. Furthermore, valuable jobs will be provided in the store which will also benefit the local community.
66. In determining the previous application, the Council concluded that the proposal fulfilled a longstanding aspiration for Bowburn providing an appropriately sized food store as part of this growing and vibrant village. Whilst three years have passed since that decision was made, there have been no significant changes in planning policy or local circumstances that would lead to a different conclusion being reached today.
67. Given the fact that this is an identical re-submission for which the applicant is increasingly confident will be implemented within the next 3 years, we urge the Council to re-confirm their support for the store and grant planning permission for this development.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant Development Plan policies, guidance and all other material planning considerations, including representations received, it is concluded that the main planning issues raised by the proposal are: the principle of the development, retail impact, access and highway safety, ecology, heritage impact and other matters.

Principle of the Development

69. National planning policy contained within the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. It is considered that this proposal meets such objectives in terms of building a strong competitive economy, by enabling business growth, providing employment opportunities and enhancing the vitality and viability of a village shopping centre that could provide a catalyst for further economic investment.
70. The site has a dual allocation in the CDLP for employment use (Policy EMP8) and for a village shop (Policy S6b). While the scale of the development exceeds the size of a typical village shop (1,000m²), the acceptability of retail development on this sustainably located site has already been established by earlier planning permissions, and no relevant material changes in planning policy, nor circumstances, have taken place in the interim.
71. Therefore, subject to it being demonstrated that the additional impact resulting from a larger development (over 1,000m²) can be satisfactorily accommodated, the proposal is considered to meet NPPF compliant CDLP Policy S6b, and Part 1 of the NPPF.

Retail Impact

72. CDLP Policy S1A seeks to protect and promote the vitality and viability of all shopping centres within the retail hierarchy of the City of Durham area. It also defines shopping centres within that hierarchy. The application site is not identified within the hierarchy, but the nearby village centre of Coxhoe is, as a Local Centre.
73. CDLP Policy S6 identifies villages, including Bowburn, where Class A1 retail land uses of less than 1,000m² would be supported, subject to the vitality and viability of any other local shopping centre or village not being adversely affected, there being no negative impact on the character or amenity of the surrounding area, and the site being well related to other shops and facilities within the village.
74. Within the justification of CDLP Policy S6 it is stated that Bowburn has experienced a recent growth in population but does not have an identifiable local centre. The CDLP therefore allocates a site suitable for retailing within Bowburn South Industrial Estate (CDLP Policy EMP8d). These policies align with the stated objectives of NPPF Part 1 that supports economic growth.
75. In assessing the proposed development against the above local plan policies, it is concluded that it is partially in compliance, but the amount of floorspace proposed (4,184m²) clearly exceeds the 1,000m² stipulated by CDLP Policy S6. However, it must be acknowledged that previous planning permissions have also exceeded 1,000m².
76. Paragraph 24 of the NPPF requires a sequential test to be applied for main town centre uses that are not in accordance with an up to date Local Plan. However, as the acceptability in principle of retail development in excess of 1,000m² has been

established on five previous occasions by earlier planning permissions, the most recent of which was for 4,184m², a full sequential test is not considered necessary.

77. Paragraph 26 of the NPPF requires an impact assessment if proposed retail floor area exceeds a locally set threshold. Without such a threshold in place a default threshold of 2,500m² is set. As this proposal exceeds that figure, impact on the nearby Coxhoe local centre must be considered. In this regard such impact has previously been judged not to be significantly adverse. Shops within Coxhoe are by nature used for “top up” shopping rather than a substantial weekly shop. As a consequence, trading patterns are unlikely to change as a result of this proposal. However, to ensure there is no harmful impact from comparison goods sales on shops selling similar goods within the Coxhoe village centre, restrictions on retail floor space and types of comparison goods sold would be enforced by planning condition.
78. The Planning and Retail Statement submitted in support of this application predicts impact on other shopping centres within the proposal’s Primary Catchment Area (PCA). This concludes that, taking full account of current and future expenditure within the PCA, the only impact on trading positions is likely to be on the Co-op store in Bowburn. This is accepted. However, such impact is considered to be outweighed by the positive effects that would result from the creation of an enhanced shopping choice for the village as a whole.
79. Therefore, on balance, the objectives of CDLP Policies S1A, S6 and EMP8d and therefore all can be afforded weight in the decision making process. The development is also considered compliant with Parts 1 and 2 of the NPPF and relevant guidance within the PPG in this regard

Access and Highway Safety

80. Vehicular access would be taken from the A177 via a proposed signal controlled junction .The submitted Traffic and Highway Statement (Morbaine 2015) concludes that no adverse highway safety or traffic flow implications would result from this proposal. Up to date survey information demonstrates that the impact would be less than originally assumed when the recently lapsed planning permission was granted. This is due to earlier predictions being based on data base figures up to 15 years old, some of which included food stores with petrol filling stations (PFS). As the Bowburn proposal does not include a foodstore, and trip generation projections are now based on far more recent data that reflect less use of the car due to market forces and the encouragement of use of alternative transport modes, less traffic generation than originally predicted is likely to occur. This conclusion is accepted by the Highway Authority.
81. The Statement maintains that the proposed traffic light controlled access would operate safely, with increased capacity resulting from the aforementioned reduced predicted trip numbers. This is agreed by the Local Highway Authority.
82. Although this is only an outline application, it has been demonstrated that appropriate levels of car and cycle parking can be accommodated within the site, and there is a willingness to accept a planning condition requiring electric vehicle charging points. A Travel Plan would accompany a later reserved matters planning submission.
83. The site is judged to be in a most sustainable location relative to those living in Bowburn , the nearest residential property being approximately 30m away Durham Road, with good connectivity by means of a range of travel modes. Therefore, overall,

this proposal does not raise any access or highway safety concerns, and so meets the objectives of CDLP Policies T1 and T10 in terms of highway impact and parking, and NPPF Part 4. While Policy T1 is recognised as being only partially consistent with the NPPF, as it applies a lower test of highway impact acceptability (significant rather than severe), no conflict arises as highway impact has been judged to be acceptable. Policy T10 is inconsistent with the NPPF by being over-prescriptive in terms of parking standards. However, having assessed the space made available at this early stage, as shown on the submitted indicative layout, against the County Highway Authority's adopted parking standards and the objectives of the NPPF Part 4, once again no policy conflict arises.

84. It is therefore considered that the objectives Part 4 of the NPPF have been met, having due regard to relevant advice within the NPPG. CDLP Policy T1 is considered to be partially compliant with the NPPF. being inconsistent with the NPPF by being over prescriptive in regard to parking numbers.

Ecology

85. CDLP Policy E16 seeks to protect and promote nature conservation assets within the City of Durham area. This policy aligns with the stated objectives of NPPF Part 11 that supports the conservation and enhancement of the natural environment.
86. Extended Phase 1 Habitat Survey, Great Crested Newt (GCN) and Dingy Skipper reports have been submitted in support of the application. It has been confirmed that the northern part of the application site is used by GCNs. This is an area of woodland containing a pond, into which the car park would extend. Proposed mitigation measures would comprise the creation of two new ponds to the north to compensate for the loss of the present breeding pond, the relocation of GCNs from the application site to the receptor ponds, and post development population monitoring and habitat management.
87. The site is currently mostly scrub, and a potential Dingy Skipper habitat. To compensate for its loss, land immediately to the north within the applicant's ownership would be enhanced to provide suitable alternative, and subjected to a low maintenance regime to ensure the site remains suitable to support the Dingy Skipper. This would be secured by planning condition requiring the recommendations contained with the submitted Dingy Skipper *Erynnis tages* Enhancement Statement to be carried out.
88. When determining planning applications where protected species have been identified, the local planning authority (LPA) must demonstrate that the decision has taken them fully into account, and that the LPA has discharged its duty to have regard to the Conservation of Habitats and Species Regulations 2010 (as amended 2012) which transpose the requirements of the European Habitats Directive into UK law, and any other relevant legislation such as the Wildlife and Countryside Act. Where there is likely to be a disturbance to protected species, case law has established that local planning authorities must consider whether the applicant might obtain a relevant licence from Natural England. This requires an examination of the derogation provisions which also form the basis of the licensing regime. However, the LPA must not override the functions of the licensing body in this regard. It is for Natural England to decide licensing applications; the LPA must only be satisfied that there is a possibility of a required licence being obtained.
89. Ecology officers consider that, despite the application having the potential to impact on Great Crested Newts, the impact of the development upon the protected species would be acceptable, subject to proposed mitigation measures being implemented. It

is considered that the development would comply with article 12(1) of the Habitats Directive, and that a license may be granted by Natural England if application be made. This judgement is based upon the development being for reasons of overriding public interest (an enhanced shopping offer in Bowburn which is an aspiration of the CDLP), submissions demonstrating there is adequate mitigation possible (the provision of two ponds that would provide alternative habitat), and no satisfactory alternatives being available.

90. Accordingly, the objectives of CDLP Policy E16 are considered to have been met, a Policy considered to be compliant with the NPPF and and therefore all can be afforded weight in the decision making process. The proposal also accords with Part 11 of the NPPF.

Heritage Impact

91. The submitted Archaeology and Cultural Desk Assessment recommends a strip, map and record exercise as part of the ground works for any development, in recognition of close proximity to a Roman road and is on the site of the former Bowburn Colliery, a non-statutory heritage asset. The postulated line of the Roman Road approximates to the present day A177 which bounds the eastern edge of the site. The former Bowburn Colliery occupied the current Bowburn South Industrial Estate. These recommendations are accepted as being appropriate by Archaeology officers, and can be secured by planning conditions that include the recording of finds. The objectives of CDLP Policy E24 are considered to have been met, a Policy considered to be compliant with the NPPF and and therefore all can be afforded weight in the decision making process. The proposal also accord with Part 12 of the NPPF.

Other matters

92. The submitted Arboricultural Impact Assessment and Method Statement recognise the importance of trees bordering the site, their protection, and the desirability of their incorporation within any later detailed scheme. The submitted indicative plan reflects this aspiration. However, other than vehicular access, all matters of detail are reserved. Therefore, this is a matter that can be addressed by planning condition. The objectives of CDLP Policy E14 are therefore considered to have been met, a Policy considered to be compliant with the NPPF and and therefore can be afforded weight in the decision making process. The proposal also accord with Part 11 of the NPPF.
93. The site is of low flood risk. (Flood Zone 1), and no objections have been raised by either the Environment Agency nor the Council's Drainage and Coastal Protection Officer have raised any objection. Foul and surface water drainage can be addressed by planning condition, having due regard to the Hierarchy of Preference that is soakaway, watercourse, and then sewer. The objectives of CDLP Policy E8A are therefore considered to have been met, a Policy considered to be compliant with the NPPF and and therefore all can be afforded weight in the decision making process. The proposal also accord with Part 10 of the NPPF.
94. The site has a coal field legacy therefore precautions are necessary prior to any development commencing to ensure ground stability and the removal of any contaminants. Submitted Geoenvironmental and Geotechnical Assessments, although produced in 2010, are still considered relevant as site conditions are unlikely to have changed in the interim. Prior to any development commencing, further site investigation, any necessary remediation, and final validation can be addressed by planning condition. The objectives of CDLP Policy U11 are therefore considered to have been met, a Policy considered to be compliant with the NPPF and and therefore

can be afforded weight in the decision making process. The proposal also accord with Part 11 of the NPPF.

95. To ensure the residential amenity levels of those living close to the site in Durham Road are not impacted upon to an unacceptable degree, the provision of, and adherence to, a site management scheme to cover the construction phase can be secured by condition.
96. In regard to air quality, impact can be mitigated through a Travel Plan that would encourage the use of alternative means of transport other than the private car. This can be secured by planning condition.
97. CDLP Policy Q15 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. At this outline stage an artistic provision can be secured by planning condition. The objectives of CDLP Policy Q15 are considered to have been met, a Policy considered to be partially compliant with the NPPF and therefore can be afforded weight in the decision making process. The proposal also accord with Part 7 of the NPPF.
98. The Economic Development (Employability) Team note that the development could create new employment opportunities or training. Consequently, a condition is suggested in order to secure Targeted Recruitment and Training measures.

CONCLUSION

99. This proposal fulfils a long standing aspiration to provide Bowburn, a growing and vibrant village, with an appropriately sized foodstore. Potential impact upon neighbouring shopping centres such as Coxhoe has been taken carefully into account, but predicted modest trade diversion levels are considered to be conclusively outweighed by the economic and community benefits to Bowburn. This is a sustainable development proposal with the ability to create jobs and economic prosperity.
100. The acceptability of a foodstore in the location chosen, and its proposed size, has already been established by previous planning permissions, the most recent of which was in 2012. Circumstances have not significantly changed in the interim, and it is the applicant's intention to renew that outline permission with a view to attracting a store operator who would submit a reserved matters application with detailed proposals that reflect its individual requirements.
101. The environmental effects of the proposal have been considered and found acceptable subject to appropriate conditions. The proposed vehicular access is judged to be safe, and traffic generation predicted to be associated with the proposed development is considered to have no negative impact on the local road network. No residential amenity issues are raised despite the relative close proximity of residential properties, and ecological impacts can be effectively mitigated. Any potential heritage asset impact can be addressed through planning condition requiring pre-development investigation, as can any potential consequences of the site's coalfield legacy. No objections have been received in respect of this application.
102. The proposed development is therefore considered to accord with relevant policies of the CDLP (the development plan) and national planning guidance contained within the NPPF.

RECOMMENDATION

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

1. No development shall take place until approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans, and recommendations contained within the following documents:

Plans:

SITE LOCATION PLAN DWG 6243/17

PROPOSED SITE PLAN DWG 6243/18 REV A

APPROVED ACCESS ARRANGEMENTS DWG 110802/02

ARBORICULTURAL IMPACT ASSESSMENT REVISION B
(ALL ABOUT TREES JULY 2015)

ARBORICULTURAL METHOD STATEMENT
(ALL ABOUT TREES JULY 2015)

ARCHAEOLOGY & CULTURAL HERITAGE DESK BASED ASSESSMENT
(WYG ENVIRONMENT JULY 2011)

DINGY SKIPPER ENHANCEMENT STATEMENT
(WYG ENVIRONMENT JUNE 2012)

EXTENDED PHASE 1 HABITAT SURVEY REPORT
(WYG ENVIRONMENT JULY 2015)

FLOOD RISK & DRAINAGE STATEMENT
(MET CONSULTING ENGINEERS 2010)

PHASE 1 GEOENVIRONMENTAL ASSESSMENT (DESK STUDY)
(MDJA 2010)

GREAT CRESTED NEWT REPORT
(WYG ENVIRONMENT 2012)

SITE INSPECTION REPORT – BAT ROOST POTENTIAL TREE INSPECTION
(WYG ENVIRONMENTAL 2011)

TRAFFIC & HIGHWAY STATEMENT
(TURNER LOWE ASSOCIATES 2015)

DESIGN & ACCESS STATEMENT (GWH)

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Policies EMP8b, E14, E16, E24, S1A, Q7, Q15, T1, T20, U8A, of the City of Durham and having regard to Parts 1, 4, 7, 8, and 11 of the NPPF.

3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water, having due regard to the Hierarchy of Preference contained within Part H of Building Regulations 2010. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent increased flood risk from any sources in accordance with Policy U8a of the City of Durham Local Plan and Part 10 of the NPPF. Required to be pre-commencement as the design and implementation of final surface water disposal for the site must be undertaken at an early stage.

4. 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.

5. Development shall not commence until:
 - a) A scheme of intrusive site investigations for mine entries and shallow coal workings has been submitted to and approved in writing by the local planning authority in conjunction with the Coal Authority.
 - b) The approved investigations shall be carried out and a report of findings submitted to the local planning authority including the results of any gas monitoring undertaken.
 - c) The submission of a layout plan identifying appropriate zones of influence for recorded mine entries on site, identification of any "no-build" zones, and a scheme of treatment of any recorded mine entries shall be submitted to and agreed in writing by the local planning authority in conjunction with the Coal Authority.
 - d) The approved remedial works shall be carried out in full.

Reason: In the interests of site stability in accordance with the objectives of Policy U13 of the City of Durham Local Plan. Required to be pre-commencement as such work must be undertaken at an early stage.

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

- a) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- b) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- c) Post-fieldwork methodologies for assessment and analyses.
- d) Report content and arrangements for dissemination, and publication proposals.
- e) Archive preparation and deposition with recognised repositories.
- f) 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.
- g) Monitoring arrangements, including the notification in writing to the County Durham.
- h) Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- i) 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 meet the objectives of Policy E24 of the City of Durham Local Plan and Paragraph 141 of the NPPF as the site may affect features of archaeological significance. Required to be pre-commencement as such work must be carried out at an early stage.

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

Reason: To meet the objectives of Policy E24 of the City of Durham Local Plan and paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of any heritage asset to be lost, and to make this information as widely accessible to the public as possible.

- 8. No development shall take place until a detailed acoustic report, carried out by a competent person, is submitted to demonstrate the impact of the potential development on nearby residential dwellings. The report must be conducted with due consideration of all relevant standards and, if found necessary, identify any noise mitigation measures necessary, including the selection any proposed plant/equipment, hours of deliveries, hours of store operation and mitigation measures such as barriers within the car parking area, and be agreed in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with the objectives of Policy H13 of the City of Durham Local Plan and Part 8 of the NPPF. Required to be pre-commencement as such work must be undertaken at an early stage.

9. No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed. These measures shall be fully implemented and validated in writing prior to built development commencing.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with Policy U11 of the City of Durham Local Plan 2004 and Part 8 of the NPPF. Required to be pre-commencement as such work must be undertaken at an early stage.

10. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. Said management strategy shall include but not necessarily be restricted to the following;

- i) A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site.
- ii) Details of methods and means of noise reduction
- 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 wheel washing facilities and means of reducing the potential for mud on the roads in the vicinity of the site.

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

- v) Working hours.

Reason: In the interests of residential amenity in accordance with the objectives of Policy H13 of the CDLP and Part 8 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

11. Not more than 632m² net shall be used for the sale of comparison goods. Comparison goods are defined as the following COICOP Categories: Clothing materials & garments, Shoes & other footwear, Materials for maintenance & repair of dwellings, Furniture & furnishings; carpets & other floor coverings, Household textiles, Major household appliances, whether electric or not, Small electric household appliances, Tools & miscellaneous accessories, Glassware, tableware & household utensils, Medical goods & other pharmaceutical products, Therapeutic appliances & equipment, Bicycles, Recording media, Games, toys & hobbies; sport & camping equipment; musical instruments, Gardens, plants & flowers, Pets & related products, Books & stationery, Audio-visual, photographic and information processing equipment, Appliances for personal care, jewelry, watches & clocks, Other personal effects.

Reason: In the interests of protecting the vitality and viability of all centres within the local retail hierarchy, in accordance with the objectives of City of Durham Local Plan 2004 Policy S1A.

12. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

Reason: In accordance with the objectives of City of Durham Local Plan 2004 Policy Q15 and Part 8 of the NPPF. Required to be pre-commencement as such work must be undertaken at an early stage.

13. The retail floorspace hereby approved shall not open for trading until the new traffic signals at the site access from the A177 are fully operational.

Reason: In the interests of highway safety, in accordance with the objectives of City of Durham Local Plan 2004 Policy T8 and Part 4 of the NPPF.

14. A detailed Travel Plan shall be approved in writing by the Local Planning Authority within 6 months of trading commencing from any of the hereby approved retail floorspace and implemented in full accordance with the approved terms. The approved Travel Plan shall be reviewed annually in conjunction with the Local Planning Authority and the County Highway Authority.

Reason: In the interests of reducing the traffic impact of the approved development in accordance with the objectives of Policy T1 of the City Of Durham Local Plan and Part 4 of the NPPF.

15. No development shall commence until details of the means of delivery to, and servicing of, the hereby approved retail floorspace have been agreed in writing with the local Planning Authority. Once agreed, the terms of that agreement will be fully complied with.

Reason: In the interests of highway safety, in accordance with the objectives of City of Durham Local Plan 2004 Policy T8. Required to be pre-commencement as such work must be undertaken at an early stage.

16. Prior to development commencing, details of car parking layout, to include four electric vehicle charging bays, and cycling facilities within the site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with.

Reason: In accordance with the objectives of City of Durham Local Plan 2004 Policies T10 and T20 and Part 4 of the NPPF.

17. An up to date Ecological Assessment of the site, together with any appropriate protected species mitigation measures, shall be submitted with any Reserved Matters or Full Planning Application submissions to the Local Planning Authority.

Reason: In the interests of the preservation of protective species and nature conservation, in accordance with the objectives of City of Durham Local Plan Policy E16 and Part 11 of the NPPF

18. No development shall take place until a scheme to minimise energy consumption has been submitted and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the objectives of Policy U14 of the City of Durham Local Plan having regard to Part 10 of the NPPF. Required to be pre-commencement as the energy reduction scheme should seek to involve a fabric first approach designed and potentially implemented at an early stage.

STATEMENT OF PROACTIVE ENGAGEMENT

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

3

BACKGROUND PAPERS

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework
- National Planning Practice Guidance
- City of Durham Local Plan
- Statutory, internal and public consultation responses

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02694/FPA
FULL APPLICATION DESCRIPTION:	Erection of part two-storey/part single-storey extension at rear of dwelling and construction of pitched roof over existing flat roof at side.
NAME OF APPLICANT:	Mrs G Moore
ADDRESS:	32 Whinney Hill, Durham, DH1 3BE
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Lisa Morina Planning Officer 03000 264877 lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a two-storey end terraced dwelling located within the first block on the east side of Whinney Hill when approaching from along Hallgarth Street. Whinney Hill is located to the east of Durham City Centre within the Conservation Area and is an elevated street that curves gently from its junction with Old Elvet/Green Lane to the north, to Stockton Road roundabout in the South. Residential properties surround the site to both sides and to the front of the property with fields to the rear. The properties are former local authority and there is a high student population within the area. The property in question has previously been extended with a two-storey extension to the side with a flat roof.

The Proposal

2. This application seeks the erection of a part two-storey/part single-storey extension to the rear of the site. The extension will project by 5m from the rear building line and have a width of 5.1m. A single-storey element is proposed as an infill between the proposed two-storey extension and the common boundary with the adjoining neighbour at no. 31 Whinney Hill which will project by 3m and have a lean to roof. A pitched roof over the flat roof is also proposed to the side of the property.
3. This application is being referred to the planning committee at the request of Cllr Freeman on the grounds of the use of the property as student accommodation.

PLANNING HISTORY

4. Planning permission was granted for conservatory to the rear of the site in 2002.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. 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.
9. 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.
10. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Development which will lead to substantial harm or loss of significance of a designated heritage asset, permission should be refused, unless the harm or loss is necessary to achieve substantial public benefits.

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

LOCAL PLAN POLICY:

City of Durham Local Plan

11. Policy E6 (Durham City Conservation Area) sets out the Council's aim to preserve the character, appearance and setting of the Durham City Conservation Area by ensuring high quality design.
12. 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 proposal should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing architectural features
13. 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.

14. 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.
15. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.
16. Policy T10 (Parking – General Provision) states that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
17. Policy Q9 (Alterations and Extensions to Residential Properties) state that extensions will only be approved when they met a set of specific criteria for example, including impact on residential amenity of neighbours and impact on streetscene.

RELEVANT EMERGING POLICY

The County Durham Plan

18. 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 has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. County Highways Authority has not offered any objection to this proposal.

INTERNAL CONSULTEE RESPONSES:

20. Design and Conservation raises no objection to the proposal given the amendments received.
21. Ecology - The Bat Risk Assessment shows a very low risk of bat presence at this location. No further survey work for bats is required but if planning permission is granted then compliance with the method statement in the bat survey report should be conditioned.

PUBLIC RESPONSES:

22. The application has been advertised by means of a press notice and on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, no letters of representation have been received from individual neighbouring properties.

23. An objection has been raised from Whinney Hill Residents Group citing a variety of reasons including the following:

- Principle of the development being an increase in student accommodation and not being in accordance with Policy H9 and Q9 of the Local Plan due to a concentration of students.
- Number 32 Whinney Hill (which already has an extension at the side of the property), has been advertised as a six bed student let for the past 2 years since being purchased by the applicant. However, the applicant gives the impression from the plans submitted that it is currently a four bed property but fails to mention or indicate the present use, or future intended use of the property or that it is currently occupied by 6 student tenants. The applicant misleadingly states the new extension will now increase the number of bedrooms from four to five which seems to contradict how the property is presently being used. However, if this application is approved the applicant could easily reconfigure the property into a 7/8/9 or even 10 bed HMO which obviously would further increase the numbers. County Durham Plan Policies are mentioned in support of these issues.
- Impact upon the residential amenity of neighbours in particular the adjoining neighbour in respect of a right of access issue.
- Highway safety and parking implications especially during term time with an increase in parking and the amount of off-street parking / permits allowed causing people having to park further away exacerbating the traffic/congestion/air pollution issues in Elvet even further.
- The impact of the proposal upon the Durham City Conservation Area, the streetscene and the host property with the extension being large and overbearing being out of scale, character, design, damage to green spaces within the area also being a concern, again the proposal would be contrary to policies H9 and Q9.

24. A further objection has also been received from the residents group as a result of the amendments received which includes the setting in from the common boundary with the adjoining neighbour of the first floor level by 3.4m with the following comments:

- Our initial objections still stand and we don't intend to alter the content of our objection.
- The amendments are just a smoke screen to try and gain approval.
- Durham County Council are currently going through a public consultation to create an Article 4 on student lets and claim that the existing policies are robust enough to protect communities therefore, there should be sufficient grounds to refuse the application.
- There are currently four applications in this immediate area specifically aimed at increasing the size of the property for student tenants.

APPLICANTS STATEMENT:

25. In support of my application to extend 32 Whinney Hill.

26. I have owned the house since 2013, and am now into my 3rd year of tenants. There has never been more than 1 car being parked at the property, (apart from when I visit there) which has parking for 2 cars on its driveway, still with the original shrub garden at the front of the house and a privet hedge - giving a nice appearance in the neighbourhood - rather than some of the driveways changed by locals and/or landlords, to give more parking - something I hate to see, where the front of the house is all tarmaced or paved. Mine isn't - it is more natural.

27. I have several student houses in Durham, one has an HMO licence, and I consult with the HMO licencing officer, Paul Clark, to keep all of my houses to that standard. He was involved when I renovated the house in 2013 and he advised me of the standards to which it should be modernised and I did stick to what he suggested. Even though HMO licences are only needed when houses are for "more than 5 AND over 3 floors" I believe that the guidelines are useful for all student properties.
28. When I bought the house (from a friend who was a Durham City local born and bred), it was in a dreadful state, had dog faeces in some of the rooms and was dirty and needing of a lot of attention. My renovations made the house a much more desirable property in the neighbourhood.
29. I was a student in Durham myself from 1979 to 1983 and lived for 2 years in a tiny damp bedsit. I have 2 teenagers myself who will themselves be students in a few years' time and I do the best I can to give students spacious, well-appointed living accommodation.
30. The extension, if allowed, gives a larger living space for my tenants, a bigger kitchen/diner and 2 extra bedrooms. The house is on a much bigger plot than most Whinney Hill houses and I don't think the plans are over ambitious. It stays within the back line of the house built next door and still gives a large garden for the house.
31. I have NEVER had a complaint from any of the neighbours about any of my tenants, if there was ever a need to complain (and there shouldn't be- I choose my tenants carefully), I live in Durham City and am immediately available to deal with it. I rarely do have a problem- I hope that is because I am a decent landlord who provides a good service and communicates well with my tenants.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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 use of the premises, the impact on the residential amenity of the neighbouring properties, highway safety issues, impact on the amenity of the area, ecology issues and any other issues.

Principal of the Development

33. The application is proposed as an extension to a residential property which is currently occupied by students and as such the principle of the development is considered acceptable as extensions are acceptable to dwellings in accordance with policy Q9 and H9 of the Local Plan subject to relevant criteria being met.
34. Concern has been raised however, that the property is a student let and is in fact being used as an unlicensed house in multiple occupation as it has been currently let as a 6 bed property for the past two years (website link provided). The applicant has confirmed that the property is a student let, and the number of bedrooms proposed is 6. This would still be classed as a dwelling with up to 6 residents living together, rather than constituting a house in multiple occupation that would require a change of use application to the Council as Local Planning Authority. The applicant will be made aware of these regulations as an informative should an approval be given. Although there is some ambiguity over how many bedrooms are currently in existence with the existing floor plans showing the property to be only four

bedrooms, it does appear from information provided that this has been run as a 6 bedroomed property. Therefore, essentially the amount of bedrooms is not increasing and a rearrangement of the internal layout is proposed to provide enlarged living accommodation at ground floor level.

35. It is also not considered that 6 bedrooms would constitute an increased concentration of students given the property appears to have already been used as such.
36. The development is therefore considered acceptable in principle subject to a detailed analysis of its specific impacts.

Impact on residential amenity

37. The application originally proposed a two-storey extension across the full width of the dwelling to the rear with a depth of 5m. However, this was considered to have a significant negative impact on the residential amenity of the adjoining neighbour at no. 31 and amendments were requested to reduce the overall size of the proposal. These have been submitted and result in the configuration of the proposals as described in Paragraph 2 above.
38. Given the amendments received, it is considered that the proposal represents a development which is not considered to have a significant detrimental impact on the residential amenity of the neighbouring properties as a significant loss of light/amenity is not considered to occur to either neighbour.
39. This is due to the proposal not being visible from habitable room windows of the neighbour to the south given the significant existing setback of this property. In addition to this, given the distance of 3.4m which the first floor part of the extension is set away from the neighbour to the north and the position of their habitable room windows, the proposal is not considered to have a serious detrimental impact that would warrant a refusal of this application. The single storey infill projects only 3m along the shared boundary and this is similarly considered to have limited impact on the neighbours' amenities.
40. Overlooking issues are not considered to occur given there are no windows proposed in the side elevations. A condition would be added to any approval to restrict the addition of windows in the side elevation facing no. 31 to prevent any issues from potentially occurring in the future.
41. The application is, therefore, considered an appropriate addition in relation to policy Q9 of the Local Plan with regards to impact upon amenity of adjoining neighbours.

Highway Safety Issues

42. Concern has been raised that the proposal will result in increased parking demand which is considered to be more of an issue during term time given more students bringing their cars to university. In addition to this, the University has confirmed to the residents association they have no control over students bringing their cars. Also, there appears to be a breach of highway regulations when wardens are off duty with people parking without permits.
43. The Highways Officer has offered no objection to the scheme given that the property is within a permit controlled zone, therefore, the amount of permits issued depends upon the amount of off-street parking available to properties

44. The proposal, therefore, is considered acceptable in terms of highway safety as the Council as Local Planning Authority has no control over the parking on street and cannot refuse an application based on issues which they have no control over.

Impact on the visual amenity of the area including the conservation area in which it is sited and the host property

45. Concern has been raised that the proposal would impact negatively on the street scene and the host property given the fact that only one of the four dwellings within the terrace has been extended with a small extension.
46. The majority of the proposal is located on the rear of the site therefore would not be visible to the main public domain. The main element which would be visible would be the construction of the pitched roof over the existing flat roof to the side. This element of the proposal is considered to be an acceptable form of development given this provides a more sustainable and acceptable form of design which is considered to be in keeping with the NPPF and policy Q9 of the Local Plan. In relation to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered to enhance the appearance of the Conservation Area.
47. Concern has been raised by officers over the matching in of materials as the roof line is not set down. However, it has been agreed with the applicant that the tiles removed from the existing roof to accommodate the development will be reused on the front to prevent an unsightly match. It is considered, therefore, that the visual amenity of the streetscene would not be adversely affected.

The views of the Design and Conservation Officer also concur with this given the amendments received and that the majority of the proposal is located to the rear. Given this, it is felt that the character of the conservation area would be enhanced as the removal of the pitched roof is considered to enhance the character and appearance of the conservation area.

48. The scale of the extension is large however it is not considered to be out of character to the host property and is not considered to be overdevelopment given the plot it sits in can comfortably accommodate the extension. It is acknowledged that the property has been previously extended. However, it is not felt that a refusal could be sustained on the scale of the proposal.

Ecology Issues

49. The Ecology team have commented on this application and have raised no concerns providing a condition is added for the works to be carried out in accordance with the method section of the report.

Other Issues

50. Issues have been raised regarding the grass verges and public pathways linked to the development, suggesting these should be reinstated by the applicants. This area of land is not contained within the red line boundary of the site and is not a material consideration in the determination of this application. Furthermore, these concerns are not directly related to the submitted proposals.
51. Issues raised have quoted the emerging plan however, as stated above, as the plan has been withdrawn no weight can be given to these elements and they have not been considered as part of the assessment of this proposal.

52. It has been raised that the proposal would impact upon a right of way access to no. 31 which was introduced when the properties were built to allow a right of access to the middle terrace properties for gaining access to the front street from the rear. It is claimed that this is regularly used by the owners of no.31 and the proposal could cause obstruction. This is not something which can affect the determination of the application as this would be a legal matter which cannot be controlled by the Local Planning Authority.
53. The potential issuing of an Article 4 direction does not have any impact upon the determination of this application, and other applications are not directly relevant to the determination of this application. The application relates to extensions to an existing dwelling.

CONCLUSION

54. The proposed development for an extension to a residential property is considered acceptable in principle given its current use as residential albeit as a student let. The proposal is also considered to be in keeping within the existing area and is not considered to have a significant detrimental impact on the surrounding residents. The improvements to the roof design at the front of the property would be considered overall to have a positive impact on the Conservation Area, in accordance with local plan policies as well as the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character or appearance of that area.
55. Highway Safety issues are not considered to be an issue given the area is controlled by permits. Therefore, the proposal is not considered to result in any significantly detrimental impacts on the highway network.
56. Whilst it is acknowledged that the intensification of student accommodation is a potential concern, it is not considered that the enlargement of this property to a 6 bedroomed dwelling would have a significant detrimental impact on the area in relation to concentration of students given its current use as a student let.
57. As such, it is considered that the proposed development would be in accordance with saved policies E6, E22, T1, T10, Q1, Q9, H9 of the City of Durham Local Plan and parts 1, 4 and 12 of the NPPF.

RECOMMENDATION

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

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

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

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

Plan Ref No.

Description

Date Received

None	Site Location Plan	28 August 2015
2162/08	Existing House	28 August 2015
2162/10/A	Proposed Extension	19 October 2015
2162/05/A	Site Plan	21 October 2015
None	Heritage Statement	16 Sept 2015
None	Bat Survey and Risk Assessment	16 Sept 2015
	Prepared By Veronica Howard	Sept 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies E6, E22, T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size, with the roof proposed on the front of the side extension being constructed using re-used tiles from other parts of the property.

Reason - In the interests of the appearance of the area and to comply with policies E6, E22, T1, T10, Q1, Q9 and H9 of the City of Durham District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows or other openings shall be formed in the side elevations of the rear part two-storey/part single-storey extension facing north towards no. 31 Whinney Hill without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - In order that the Local planning authority may exercise further control in this locality in the interests of the residential amenity of the neighbouring properties and to comply with policy Q9 of the City of Durham District Local Plan.

5. Notwithstanding the details shown on the submitted application the works shall be carried out in complete accordance with the Method Statement of the Bat Survey & Risk Assessment for 32 Whinney Hill, Durham, as prepared by Veronica Howard, BSc (Hons), PhD, MCIEEM, September 2015

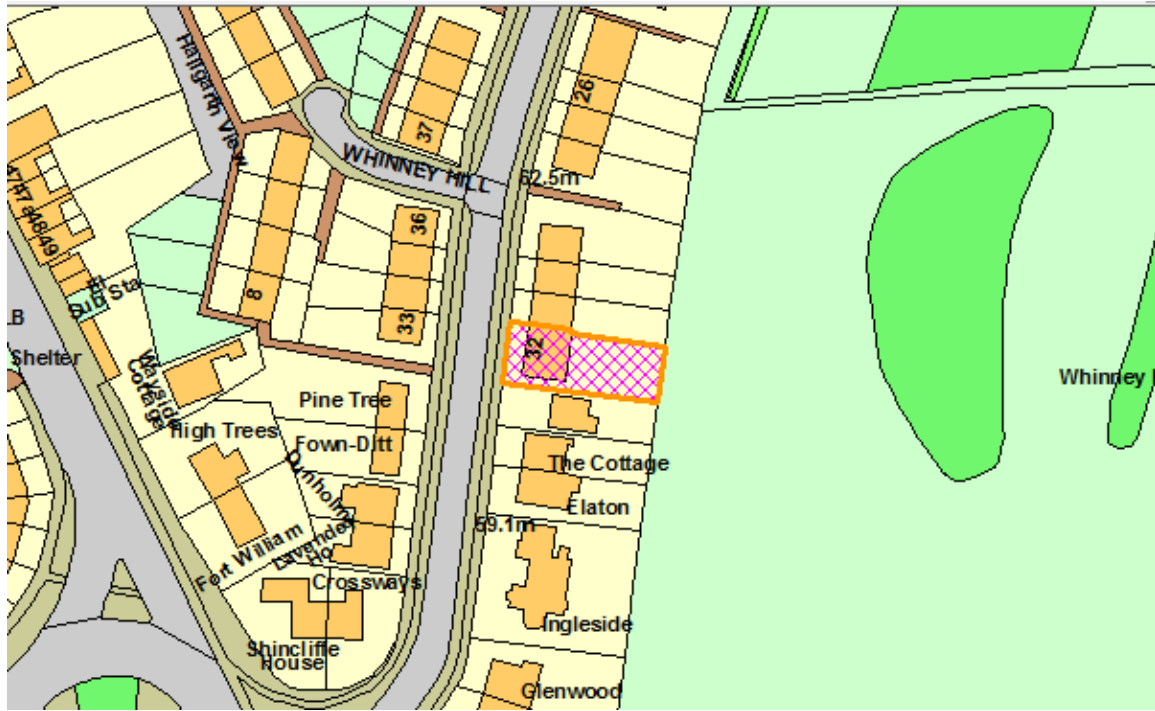
Reason - To conserve protected species and their habitat in accordance with Section 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Erection of part two-storey/part single-storey extension to rear of dwelling and construction of pitched roof over existing flat roof at side at 32 Whinney Hill, Durham, DH1 3BE
Application reference DM/15/02694/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council Licence No. 100022202 2005

Date
October 2015

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01743/FPA
FULL APPLICATION DESCRIPTION:	Demolition of care home and construction of 26 dwellings and associated works.
NAME OF APPLICANT:	Frideswide Ltd
ADDRESS:	Cheveley House, Brackendale Road, Belmont, Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of the Cheveley House Care Home which is located on Brackendale Road in Belmont. The care home is no longer in operation and is empty. The site is located within a predominately residential area. The residential properties of Cheveley Court are located to the north east, Bedale Close to the south east and Brackendale Road to the south and west. The main highway of Broomside Lane is directly to the north of the site with a restaurant situated beyond. The existing care home building is located fairly centrally within the site, with mature trees scattered along the boundaries. The existing access into the site is taken from Brackendale Road.

The Proposal

2. Full planning permission is sought for the demolition of the existing care home and for the residential development of 26 residential units including associated parking bays and turning head. The units would be a mix of detached, semi-detached and apartments which would offer a range of 2, 3 and 4 bedroom properties. The properties are a mix of two and half and three storey height buildings constructed from a mix of brickwork and render. The proposed properties would be arranged around a central road and a turning head would be created within the site. Access is to be taken directly from Brackendale Road.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. Other than an application for signage in 1998, there is no other planning history relating to this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
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 21st 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:

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 has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Environment Agency* has not raised any objections to the proposed development.
26. *Coal Authority* has not raised any objections to the proposals, indicating that the site does not fall within the defined Development High Risk Area.
27. *Northumbrian Water* have not raised any objections subject to the imposition of a condition for details of foul and surface water drainage to be submitted for approval.
28. *Durham County Highways Authority* is satisfied that the revised access location is acceptable and would permit safe operation. The parking provision and internal layout is also considered acceptable.
29. *Police Architectural Liaison Officer* has indicated that the crime risk assessment for this proposed development, based on current crime trends in the area, is low.

INTERNAL CONSULTEE RESPONSES:

30. *Archaeology* has no objections to the proposals.
31. *Sustainability Section* has raised no objections in terms of the suitability of the site due to the site having few issues that would impact upon the presumption in favour of sustainable development. A condition is recommended in terms of embedding sustainability and minimising carbon within the development.
32. *Spatial Planning Policy Team* have not raised any objections to principle of development.
33. *Tree Officer* has not raised any objections but has indicated that some trees may need to be removed to facilitate development and some dwellings may need to

be reduced in order to retain trees especially along the frontage of the site. New trees should also be planted to accommodate the loss of specimens which are to be removed. A landscaping plan and schedule should be submitted.

34. *Landscaping Section* have indicated that the scheme fails to recognise either the visual amenity value and safe useful life expectancies of the trees as individuals or groups, or the context of the surrounding streetscape and neighbourhood.
35. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke or odour and some conditions are recommended in relation to noise from Broomside Lane.
36. *Housing Development and Delivery Team* has confirmed that the proposed affordable provision for the site is acceptable.
37. *Design and Conservation Team* has indicated that the layout provides a very straight forward tight pattern of perimeter block development, with the access road serving a courtyard, parking court and turning head that provides a central square. There are some issues relating to lack of public amenity space, tree retention, details for boundary and surface treatment; and landscaping details.
38. *Education Section* has confirmed that there are sufficient primary and secondary school places in the area to accommodate the additional pupils likely to be produced from this development.
39. *Drainage Section* have not raised any objections to the proposed development.
40. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further contamination report shall be submitted prior to development commencing.
41. *Ecology Section* has not raised any objections to the scheme and requested that a condition is imposed for the development to be in compliance with the mitigation proposed in the submitted ecology report.

PUBLIC RESPONSES:

42. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 11 letters of objections have been received from local residents including a letter from Belmont Parish Council.
43. The main concerns relate to highway concerns, in particular the increase in traffic, parking concerns and the access is considered to be dangerous being too close to the junction with Broomside Lane. It has also been raised that the Brackendale Road can become bad in wintery conditions.
44. The loss of trees from the site is a concern and it has been questioned who's responsibility would it be for future maintenance of trees which are to be situated within garden areas. Residents have indicated that the site is overdevelopment and the appearance of the houses would not show the heritage of the area. The current boundary treatment is considered to be in poor condition and it has been questioned who will be responsible for the new fencing which will be erected. Some residents also consider that the proposed houses are within close proximity to existing properties.

45. It has been indicated that there is no need for further housing in the area and the affordable element of the scheme should be single storey accommodation for the elderly or disabled. There is a concern that the development would put additional pressure on drainage in the area. Finally there are concerns that there will be disruption during the construction stage, particularly with regards to dirt and dust, and that construction hour and deliveries will be at an unreasonable hour.

APPLICANTS STATEMENT:

46. All Saints Living plan to create a new residential development scheme of 26 properties on land currently occupied by an unoccupied residential care home with structural issues.

47. This new scheme will provide a range of 2, 3 and 4 bedroom homes designed to meet the needs of professionals and growing families in close proximity to the major transport links of Durham and the wider North East of England.

48. We aim to provide 5 affordable units as apartments and the remaining as 3 or 4 bedroom detached and semidetached homes, creating a small vibrant community in this highly desirable area of Durham.

49. The proposals for the site have been developed to create a scheme of high design quality, retaining trees where feasible and replacing greenery where possible. We have also taken into account the design of neighbouring housing estates.

50. The scheme will be delivered by All Saints Living, in partnership with All Saints Construction, a locally based construction and house building company. Recent developments include Larbert House & Country Estate, a 57 dwelling scheme with sensitive restoration of a listed mansion house, walled garden and stable block which we have sold 85% off plan, as well as more local schemes in Seaham and Hexham. Full information can be found on our website, www.allsaintsliving.com.

PLANNING CONSIDERATIONS AND ASSESSMENT

51. 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.

Principle of residential development

52. The site is located within a predominantly residential area with residential properties located to the south, east and west of the site. The site is previously developed and is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principle of the NPPF.

Residential amenity

53. The proposed dwellings are all positioned around the boundaries of the site with a central access and estate road. The interrelationship between the proposed properties are all considered acceptable and sufficient levels of privacy would be achieved for future occupiers of the proposed properties.
54. The separation distances between the proposed properties and the surrounding dwellings mostly exceed 21 metres. There are a couple of distances where separation distances are 21 metres however this accords with guidance within the local plan and it is considered that adequate levels of privacy would be maintained. A distance of 14 metres separates a small number of the proposed properties with the residential units on Cheveley Court to the north east. This distance is considered acceptable as the separation is between primary windows looking onto a gable elevation which again satisfies the guidance within the local plan, which states a separation distance of 13 metres is required.
55. The proposed houses located along the south east, south west and north boundaries are to be of two and half storey. Given the separation distance and the orientation of the properties it is not considered that any adverse impacts would be created in terms of overbearing or overshadowing impacts. Three storey properties are proposed along the north east boundary and these would be adjacent to the three and four storey properties on Cheveley Court. It is not considered that the residents of Cheveley Court properties would experience any adverse impacts in terms of overbearing or overshadowing affects.
56. The majority of the properties proposed would have sufficient levels of private amenity space. The properties proposed along Broomside Lane do have reduced garden areas, some measuring 6 metres in width by 4 metres in depth. These reduced garden areas have been dictated by the road layout requirements however it is acknowledged these are gardens are modest. Ultimately it would be for a prospective buyer of these properties to decide whether the gardens areas are suitable for their own use. It is not considered that the modest garden areas are sufficient to warrant refusal of this application.
57. Some residents have questioned whose responsibility would it be for the new boundary fencing as well as future maintenance of trees within gardens. Given the new fencing would likely be erected on the application site, then the responsibility would be with the eventual owners of the proposed properties. Similarly with the trees in the gardens, the responsibility of any maintenance to these trees would likely be with the owner of the properties. It is noted however that land ownership and issues with maintenance of fencing and long term maintenance of trees are not material planning considerations.
58. 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 further 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. It is noted that residents have raised some concerns with regards to hours of construction and deliveries should development be granted. Given the close proximity of existing residential properties it is considered appropriate to impose a

condition restricting hours of construction and deliveries to the site. A condition is recommended accordingly.

59. 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

60. The layout of the proposal has the houses occupying positions around the perimeter of the site with a central estate road. This layout provides a strong built up frontage along the main streets of Broomside Lane and Brackendale Road. It is considered that the layout of the proposed scheme is acceptable.
61. There is a mix of house types on the site with semi-detached, detached houses and an apartment building proposed. There is a mix of different house types in the area, ranging from traditional terraced properties, two storey properties and modern three and four storey properties and apartments. A mix of two and half and three storey properties which are proposed on this site would match in with the surrounding houses and apartments in the area. The three storey properties are located within the site adjacent to the existing three and four storey properties on Cheveley Court. The proposed properties would be of a typical design usually found on modern housing estates. The properties are to be constructed from a mix of brickwork and render which matches in with the general design approach of the properties in the area.
62. The Council's Design and Landscape Officers have raised some concerns with regards to the loss of some of the trees on the site. The site is currently populated by a number of mature trees, none of which are protected by tree preservation orders. Given the number of trees and their positioning on the site, it is inevitable that some of the trees would have to be removed for this site to be developed for housing. The majority of the trees along the north east and south east boundaries are to be retained however the trees which run along the Broomside Lane and Brackendale Road are proposed to be removed. Discussions have taken place with the developer in order to provide hedgerow along the boundaries with Broomside Lane and Brackendale Road. This would provide an attractive frontage within the street scene and aim to mitigate the loss of the trees along these boundaries. A condition is recommended for full landscaping details to be submitted and agreed prior to works commencing on site.
63. On balance, it is considered that the layout, design and appearance of the proposed development would not adversely compromise the character and appearance of the surrounding area. The proposal is considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the local plan.

Highway and access issues

64. A transport statement has been produced which sets out the accessibility of the site and estimates trip rate and mode type. Site accessibility has been assessed and it is concluded that the site is in a location suitable for sustainable transport travel. Trips generated from the development would not have any measurable impact on the highway network when netting off the trips associated with the existing use. Highway Officers are satisfied that the development would have no negative impacts on the highway network. The proposed access into the site was originally located close to the junction with Broomside Lane and was considered

unacceptable. Revised drawings have been submitted which proposes the access into site located further away from the Broomside Lane junction. The Highways Officer considers that the position of the access into the site is acceptable and would not compromise highway safety. The proposed parking provision within the site is considered acceptable. It is noted that residents are concerned that Brackendale Road becomes dangerous during wintery conditions. This stretch of road is already used by a number of vehicles from the existing houses. It is not considered that the additional traffic generated from the proposed development would not have an adverse impact on the road conditions during wintery conditions.

65. 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

66. 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. The development would include 5 two bedroom apartments which would be the affordable provision for the site. The Council’s Housing Development and Delivery Team have confirmed that this type of affordable provision is acceptable in this location.
67. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. Policy Q15 also encourages the provision of artistic elements in the design and layout of new development. To comply with policies R1, R2 and Q15, developers can make financial contributions which can be used to provide or enhance open space and outdoor facilities; and provide public art within the locality. These contributions would be £26,000 towards open space and recreational facilities and 1% of build costs for public art and they would be secured through a Section 106 legal agreement.
68. 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.

Other issues

69. 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.
70. 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.

71. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposals to develop the site do not present a risk to protected species. 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. There is therefore no need to apply the derogation tests mentioned above as there isn't going to be interference with an EPS. 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.
72. Northumbrian Water and the Council's Drainage Officer has not raised any objections but has recommended that a condition is imposed for details of foul and surface water is submitted and approved prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposed development would not compromise the surrounding area in terms of drainage. The Coal Authority have not raised any objections indicating the site is not within a development high risk area. The Council's Sustainability Officer has not raised any concerns with the scheme but has recommended that a condition is attached for details of low carbon measures to be submitted for approval prior to works commencing on site. A condition is recommended accordingly.

CONCLUSION

73. The proposed development is located in a predominantly residential area and is considered to be in a sustainable location within close walking distance to shops, services and public facilities. 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 within the primary street scenes along Broomside Lane and Brackendale Road. It is not considered that the proposed development would have an adverse impact on the surrounding visual amenity. 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 and the surrounding highway network has sufficient capacity to accommodate the proposed development. 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. The proposed development would provide 20% affordable units in the form of two bedroom apartments. The Council's Housing Development and Delivery Team have confirmed that the affordable provision is acceptable. 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. The affordable provision and developer contributions would be secured through a section 106 legal agreement.

78. 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.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 20% affordable housing provision in the form of 5no. 2 bed apartments; and a financial contribution of £26,000 towards open space and recreational provision in the locality; and a financial contribution of 1% of build costs 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:

Plan Ref No.	Description	Date Received
431/07 H	Proposed Site Plan	02/11/2015
452/02	Proposed Floor Plans – House Type E	22/10/2015
452/01	Proposed Floor Plans – House Type E	22/10/2015
452/03	Sectgion A-A – House Type E	22/10/2015
452/04	Section B-B – House Type E	22/10/2015
452/05	Specification and Details – House Type E	22/10/2015
447/01 B	Proposed Floor Plans – House Type A	29/09/2015
447/02 B	Proposed Elevations – House Type A	29/09/2015
431/02	Proposed Plans & Elevations – House Type B	04/06/2015
431/03	Proposed Plans & Elevations – House Type C	04/06/2015
431/04	Proposed Plans & Elevations – House	04/06/2015

431/06	Type D Proposed Plans & Elevations – House	04/06/2015
431/OS	Type F Location Plan	04/06/2015

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

- No development (excluding demolition) 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.

- No development (excluding demolition) hereby permitted shall commence until details of all means of enclosure 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.

- No development (excluding demolition) hereby permitted shall commence until details of all hard standing areas 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.

- The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(d) 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 Phase 3 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.

7. No development (excluding demolition) 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.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Assessment prepared by MAB Environment & Ecology Ltd dated June 2015.

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

9. No development (excluding demolition) 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 development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.

10. 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 E15 and H13 of the City of Durham Local Plan.

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

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

12. Prior to the commencement of the development (excluding demolition) 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.

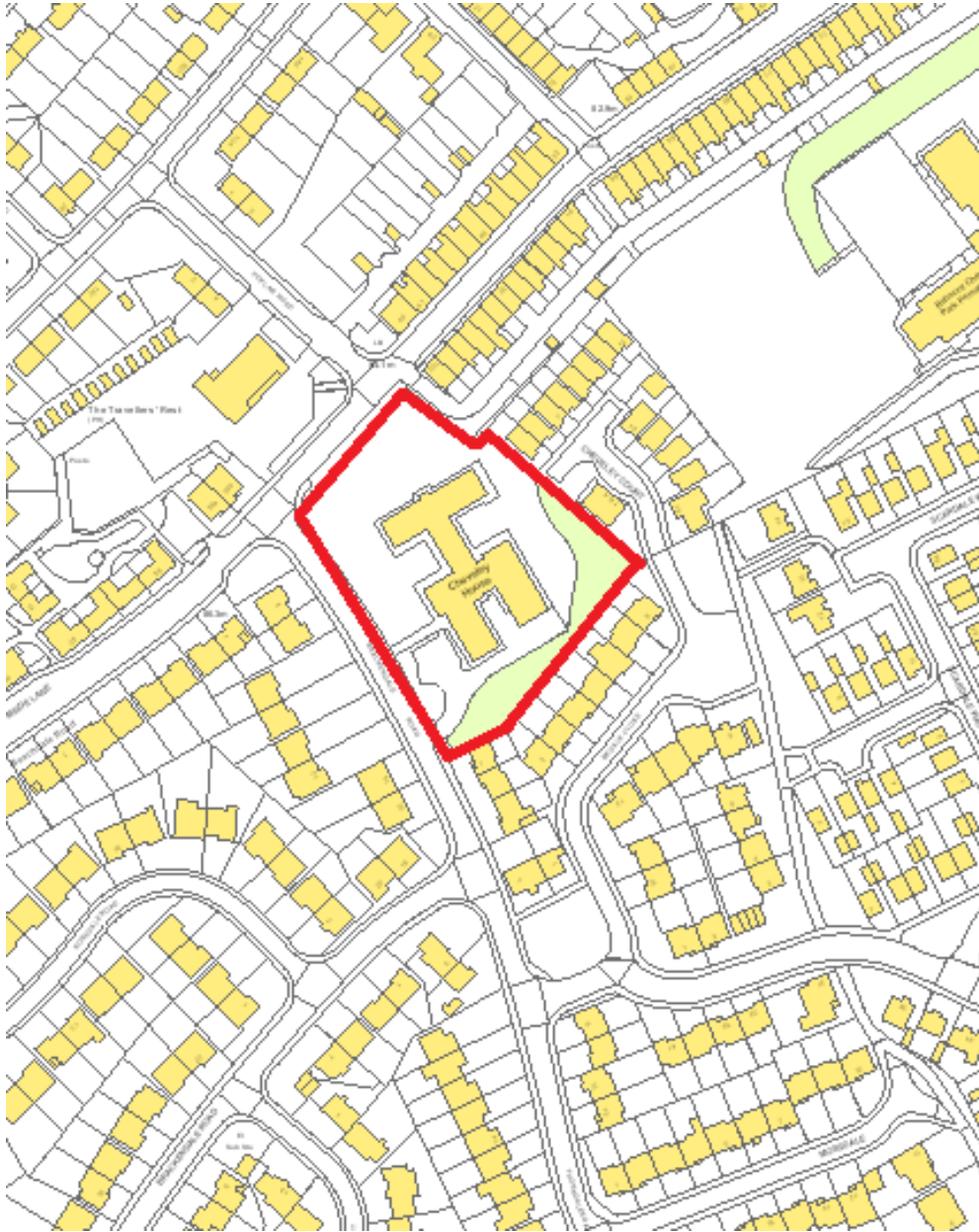
Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Demolition of care home and construction of 26 dwellings and associated works at Cheveley House, Brackendale Road, Belmont, Durham Ref: DM/15/01743/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Date 10th November 2015

This page is intentionally left blank

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02242/FPA
FULL APPLICATION DESCRIPTION:	Development of 16no.houses, 23 parking bays and new adopted turning head.
NAME OF APPLICANT:	Four Housing
ADDRESS:	Land South Of 58 Cuthbert Avenue, Sherburn Road Estate, Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land south of 58 Cuthbert Avenue at Sherburn Road Estate in Durham. The site comprises a former housing site cul-de-sac which measures approximately 0.44ha. To the north of the site is the rear gardens of the residential properties of Cuthbert Avenue. Similarly to the east, the application site backs onto the rear gardens of properties on Bent House Lane. Further residential properties and the Pelaw View Centre is located to the west of the site. Open grassed land is located to the south of the site.

The Proposal

2. Full planning permission is sought for residential development of 16 new dwellings including associated parking bays and turning head. All 16 properties are proposed to be affordable rent houses in a mix of two and three bedroom units. The applicant, Four Housing, is a registered social landlord who will be managing all the properties. The proposal includes a mixture of semi-detached and linked dwellings which will all be of a two storey design. The proposed properties would be arranged around a central road and a turning head would be created within the site.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. An application for prior approval for the demolition of 15 residential dwellings was determined in July 2005 on this site. Subsequently the 15 dwellings were demolished. The site has been vacant since the demolition of the properties.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
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 21st 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 E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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
21. *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.
22. *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:

23. 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 has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Coal Authority* has not raised any objections to the proposals, indicating that the site does not fall within the defined Development High Risk Area.
25. *Northumbrian Water* have not raised any objections to the drainage strategy plan which has been submitted.
26. *Durham County Highways Authority* has confirmed that the access layout and proposed parking for the scheme is acceptable.
27. *Police Architectural Liaison Officer* has not raised any objections but has recommended that the street lighting should achieve a Uo value (overall uniformity of light) of 0.25 as part of the adoptable standard.

INTERNAL CONSULTEE RESPONSES:

28. *Landscape Section* has not raised any objections to the proposed scheme.
29. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke, odour or light.
30. *Drainage Section* have accepted that the drainage discharge rate of 5 l/s is a practical solution to the drainage of the site.
31. *Sustainability Section* has indicated that the applicant should aim for zero carbon development and a condition should be imposed requiring additional information in terms of embedding sustainability and minimizing carbon from the development.
32. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further contamination report shall be submitted prior to development commencing.
33. *Ecology Section* has not raised any objections to the scheme and requested that a condition is imposed for the development to be in compliance with the mitigation proposed in the submitted ecology report.

34. *Housing Development and Delivery Team* has confirmed that the affordable housing requirement for the Central delivery area is 20% but demand data has shown sufficient demand to support a 100% affordable scheme on this site.

PUBLIC RESPONSES:

35. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing.

36. A letter of support has been received from the resident of No. 58 Cuthbert Avenue which is directly adjacent to the site.

37. The Durham Bicycle User Group (DBUG) have indicated that there is no provision for cycle parking. DBUG indicate that there is no assessment of the sustainability of the site from the point of view of transport. It is also suggested that it would be of benefit to the local residents if a cycle path was created linking the site to Bent House Lane.

APPLICANTS STATEMENT:

38. No statement submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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.

Principle of residential development

40. The site is located within a predominantly residential area with residential properties located to the north, east and west of the site. It is also noted that the site is previously developed as there was previously 15 residential properties on the site before they were demolished approximately 10 years ago. The site is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principle of the NPPF.

Residential amenity

41. The proposed dwellings are on a similar footprint to the previous houses before they were demolished. The proposed scheme does actually offer greater separation distances with neighbouring properties compared to the previous arrangement. The proposed development meets the local plan separation guidance of 21 metres window to window and 13 metres window to blank gable, with the exception of two distances. These two distances relate to the relationship between proposed plot 7 and 18 Bent House Lane; and proposed plot 8 and 20 Bent House Lane.

42. The gable elevation of plot 7 is located 12.87 metres from the rear elevation of 18 Bent House Lane. It is accepted that this distance is below the 13 metres however the difference is negligible and ultimately it is not considered that the amenity of existing residents would be adversely compromised. It is also noted that the property which was previously demolished was only set approximately 10 metres from 18 Bent House Lane.
43. The rear elevation of plot 8 is set 19 metres from the rear elevation of 20 Bent House Lane. This distance is 2 metres below the 21 metre guidance stated in the local plan. However given the orientation of the proposed property in relation to the existing properties, it is not considered that the existing residents would experience any adverse loss of amenity in terms of overbearing or overshadowing issues. In terms of privacy, it is considered a 19 metre distance would still achieve adequate levels of privacy. Once again, it is noted that the property which was previously demolished was only set approximately 10 metres from 20 Bent House Lane, therefore the proposed separation distance in this application is significantly improved from the previous properties which were situated on the site.
44. Each proposed property would have sufficient amounts of rear useable amenity space for the future residents.
45. 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 further 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.
46. 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

47. The layout of the proposal is a standard cul-de-sac design, with properties surrounding the central estate road. This layout replicates the layout of the previous properties which situated the site. The position of the proposed houses is almost identical to the previous properties. Given the size and shape of the site, it is considered that the proposed layout is the optimal layout for a housing scheme on this site. The proposed road would be constructed to an adoptable standard and would provide a turning head. It is considered that the layout of the proposed scheme is acceptable.
48. There is a mix of house types on the site with semi-detached houses and linked terraced properties proposed. The design and appearance of the existing properties in the area is primarily two storey with hipped roof designs and having brickwork at ground floor and render at first floor level. Porch canopies above doorways are also a primary feature to the immediate surrounding properties. The proposed properties compliment the design and appearance of the surrounding dwellings. Hipped roof designs and porch canopies are proposed along with brickwork at ground floor and render at first floor level. The parking

areas are proposed to be constructed from herringbone pattern block paving with buff paving slabs to the walk ways. In terms of boundary treatment there will be a mix of fencing and high hoop top railings throughout the site. A landscape plan has also been submitted which shows the introduction of trees and planting within the site.

49. 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 character of the surrounding area would not be adversely affected by the development. The proposal is considered to be in accordance with policies E15, H13, Q5 and Q8 of the local plan.

Highway and access issues

50. The site was previously served by a substandard highway which still remains at present. This highway is to be upgraded to an adoptable standard which also includes a turning head. The Council's Highways Officer is satisfied with the layout of the site and it is noted that the developer would need to enter into an agreement under Section 278 of the Highways Act to undertake improvement works to the adopted highway and under Section 38 of the Highways Act to dedicate a turning head as adopted highway. The development proposes 16 allocated parking spaces for each property which meets the minimum car parking standards. 7 visitor parking spaces are also proposed which are distributed evenly throughout the scheme.
51. Durham Bicycle User Group have raised concerns that there is no covered cycle provision included within the proposed development. On a scheme of 16 properties, it is considered the lack of covered cycle provision is not sufficient reason to warrant refusal of the application.
52. 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

53. 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. This application proposes all the properties to be affordable rent houses which will be managed by the applicant and registered social provider, Four Housing. The Council's Housing Team have not raised any objections to the scheme indicating that demand data has shown that there is sufficient demand to support 100% affordable on this site. Whilst 100% affordable provision is proposed, it is noted that current planning policy only requires 20% of the site to be affordable rental and this would therefore have to be reflected in a legal agreement.
54. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. Policy Q15 also encourages the provision of artistic elements in the design and layout of new development. To comply with policies R1, R2 and Q15, developers can make financial contributions which can be used to provide or enhance open space and outdoor

facilities; and provide public art within the locality. These contributions would be £16,000 for the outdoor recreation and 1% of build costs for the public art and these would be secured through a Section 106 legal agreement.

55. 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.

Other issues

56. 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.
57. 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.
58. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposals to develop the site do not present a risk to protected species. 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.
59. Northumbrian Water have confirmed that the submitted drainage scheme is acceptable and the Council's Drainage Officer has not raised any objections. The drainage strategy plan will form part of the approved plans under condition 2. It is therefore considered that the proposed development would not compromise the surrounding area in terms of drainage. The Coal Authority have not raised any objections indicating the site is not within a development high risk area. The Council's Sustainability Officer has not raised any concerns with the scheme but has recommended that a condition is attached for details of low carbon measures to be submitted for approval prior to works commencing on site. A condition is recommended accordingly.

CONCLUSION

60. The site is previously developed as there was previously 15 residential properties on the site before they were demolished approximately 10 years ago. The site is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore

considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainable principles of the NPPF.

61. 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.
62. 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. 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 E15, H13, Q5 and Q8 of the City of Durham Local Plan.
63. The Highways Authority has confirmed that the access into the site would be acceptable. 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.
64. The Council's Housing and Asset Teams have confirmed that there is sufficient demand in this location for a 100% affordable scheme. The developer, Four Housing, is a registered social landlord which will manage the affordable units. 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. 20% of the affordable provision and the developer contributions would be secured through a section 106 legal agreement.
65. 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.
66. 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.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 20% affordable provision; and a financial contribution of £16,000 towards open space and recreational provision in the locality; and a financial contribution of 1% of build costs 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:

Plan Ref No.	Description	Date Received
SK-100 D	Site Layout	14/10/2015
SK-114	Elevation and Floor Plans – End Unit	20/07/2015
SK-112 A	Elevation and Floor Plans – 1	20/07/2015
SK-110 A	Elevation and Floor Plans – 2	20/07/2015
SK-113	House Roof Plan and Section – 1	20/07/2015
SK-115	House Roof Plan and Section – 2	20/07/2015
SK-111	House Section and Roof Plan	20/07/2015
13N244-101 P2	Proposed Drainage Layout	20/08/2015
SK-101 B	Planting Layout	03/09/2015
L.01	Site Location	20/07/2015

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

3. 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 the aims of the NPPF.

4. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A Ground Gas Risk Assessment is required and shall be carried out by competent person(s) to determine the need for gas protection measures.

(b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) 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 Phase 3 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. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecology Report prepared by Dendra Consulting Ltd dated 17th March 2014.

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

6. 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.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

**Development of 16no. houses, 23 parking bays and new adopted turning head at land South Of 58 Cuthbert Avenue, Sherburn Road Estate, Durham
Ref: DM/15/02242/FPA**

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council Licence No. 100022202 2005

Date 10th November 2015

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02400/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing care home building and construction of 55-bedroom care home with associated landscaping and car parking.
NAME OF APPLICANT:	HMC Land Ltd
ADDRESS:	Grampian House, Grampian Drive, Peterlee, SR8 2LR
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is currently occupied by Grampian House Residential Care Home which is located on Grampian Drive in Peterlee. The care home was run by Durham County Council however it presently sits vacant. The immediate area is predominantly residential with the houses of Balliol Close to the east and properties on Wadham Close and Shrewsbury Close to the south. The Peterlee Catholic Club is immediately to the west with Howletch Lane Primary School to the north.

The Proposal

2. Planning permission is sought for the demolition of Grampian House to be replaced by a new 55 bedroom care home which includes associated landscaping and car parking. The proposal contains 55 bedrooms distributed over two floors. Each floor contains sufficient ancillary space in the form of lounges, dining rooms, sanitary facilities, nurse stations and storage. Each bedroom is sized to exceed national minimum area standards, and has an en-suite WC and shower as a minimum provision. Additional staffing facilities are also provided within the roof space. The main amenity communal garden spaces will be provided along the south elevation with further landscaped areas to the east and north sides of the building. These will be landscaped with a combination of turf, hedging, mixed shrubs and paving.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. Other than a couple of planning applications for fencing and signage in the late 1990's, there is no significant planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
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 21st 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:

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 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.
16. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
17. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
18. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
19. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
20. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.

EMERGING POLICY:

21. 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 has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Environment Agency* has not objected to the scheme.

23. *Northumbrian Water* has not raised any objections to the proposed development but have requested that a condition is attached for details of foul and surface water drainage to be submitted.

24. *Durham County Highways Authority* has not raised any objections to the proposed development.

INTERNAL CONSULTEE RESPONSES:

25. *County Drainage Team* has not raised any objections.

26. *County Environmental Health (Noise and dust)* has not raised any objections in principle but has advised that some conditions are imposed in relation to noise.

27. *County Environmental Health (Contaminated land)* has not raised any objections but has requested that conditions are attached to any permission requiring further investigation works on the site.

28. *County Ecology Section* has previously assessed the building and concluded it was low risk in terms of protected species.

PUBLIC RESPONSES:

29. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. No letters of representation have been received.

APPLICANTS STATEMENT:

30. No statement submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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; highway and access issues; layout, design and visual amenity; and residential amenity.

Principle of residential development

32. The proposed scheme is simply replacing a dated care home building with a new care home which will meet industry standards in terms of providing the correct care for its residents. The site is considered to be sustainably located within close distance to shops, services and public facilities and also public transport. The proposed development is considered acceptable in principle and would be in accordance with the sustainable principles of the NPPF.

Highway and access issues

33. The Council's Highway Officer is satisfied that the proposal has acceptable accesses and sufficient car parking. The proposed plans also show the inclusion of cycle parking spaces which are all located together in a secure and covered facility; and the removal of the existing ramped footway works. It is noted that the developer

would have to construct the proposed accesses and footways in accordance with Section 184(3) of the Highways Act 1980.

34. 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 36 and 37 of the local plan.

Layout, design and visual amenity

35. The proposed layout of the building is an 'L' shaped structure which generally follows the layout of the existing building. The site layout will create a mixture of amenity gardens, private patios and other landscaped areas retaining the open nature of the current building whilst providing safe and physically separate leisure areas. The proposed building will be of a two storey design but will have a steep roof pitch in order to provide accommodation within the roof space. The proposed building would be finished predominantly in brown/red facing brick work with highlighted elements of render. The building will utilise architectural details to windows and doors such as cast stone cills and brick soldier course lintels. The roof will be pitched and will use a profiled clay tile. Gabled roofs will be used to break up the massing of the building and coloured render and timber cladding will be used to highlight some bay features. The external hard standing areas will primarily be the car park, patio areas and footpaths, which will be constructed from a mix of tarmac, concrete sett pavings and concrete paving flags. Along the boundary to Grampian Drive it is proposed to erect metal railings painted black, combined with shrubs and hedges planting, that will allow views into and out of the site whilst allowing a certain degree of security for the care home. Although it is indicated that some hedging and planting is to be incorporated into the proposed scheme, no specific details have been provided. A landscape condition is therefore recommended.
36. The proposed building is not dissimilar to the existing building on site in terms of layout, scale, height or appearance. The proposed building would not visually detract from the appearance of the surrounding buildings and would not have an adverse impact on the visual amenity of the street scene.
37. Overall, it is considered that the proposed development would not appear intrusive within the surrounding streetscape and the design and layout of the building would not have an adverse impact on the visual amenity of the surrounding area. The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

Residential amenity

38. The neighbouring properties to the south of the site are situated over 21 metres away and therefore would not compromise privacy levels. The residential properties on Balliol Close to the east would be located 19 metres away from the proposed development. Whilst the local plan recommends a separation distance of 21 metres between buildings, it is noted that the existing separation distance between the houses on Balliol Close and the existing care home is currently 19 metres. Given the proposed separation distance would be no different to the existing separation distance, it is considered that the residents of the neighbouring properties would not experience any further detrimental impacts in terms of loss of privacy. The gable elevation of No. 45 Balliol Close is located over 14 metres to the north of the site which is considered to be an acceptable separation distance. Given the sensitive pitched roof design of the proposed building and the location in relation to surrounding properties, it is not considered that the surrounding residential amenity would be compromised in terms of overbearing or overshadowing impacts.

39. Environmental Management Contamination Officers have not raised any objections in principle to development on the site however they have indicated that further investigation works needs to be undertaken. These investigation works can be sought through a pre-commencement condition, and such a condition is recommended accordingly. Environmental Management Noise Officers have also not raised any objections to the development in principle. Conditions have been recommended for details of external machinery or plant to be submitted prior to development commencing. A condition is recommended accordingly.
40. Overall, it is considered that the proposed development has been sensitively designed and would not have an adverse impact on the residential amenities of existing neighbouring dwellings or future occupants of the care home. The development is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

Other issues

41. Northumbrian Water have been consulted on the proposed application and no objections have been raised providing a condition is attached for details of drainage to be submitted prior to works starting. A condition is recommended accordingly. The Environment Agency and the Council's Drainage Team have also not raised any objections to the proposed development. The Council's Ecology Team have indicated that the existing building has been previously assessed and concluded it was low risk in terms of protected species, and therefore there is no objections to the demolition of the existing building.

CONCLUSION

42. The proposed development for a new care home would replace an existing care home facility which no longer meets the industry standards. The building is located within a sustainable location close to shops, service and public facilities and would therefore be in acceptable in principle and in accordance with sustainable principles of the NPPF.
43. The proposed development provides sufficient parking provision and a suitable access from the adopted highway. The County Highways Authority have not raised any objections to the proposed development. Overall, the proposed development is considered acceptable in highway terms and would not adversely affect highway safety for pedestrians, vehicles or other highway users. The proposals would be in accordance with policies 36 and 37 of the local plan.
44. The proposed development would not appear intrusive within the surrounding streetscape and the design and layout of the proposed building would not have an adverse impact on the visual amenity of the surrounding area. The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.
45. The proposed development has been sensitively designed and would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed care home and existing neighbouring dwellings. The development is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

RECOMMENDATION

That Members **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 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:

Plan Ref No.	Description	Date Received
H140_P01	Location Plan	31/07/2015
H140_P04 P1	Proposed Site Plan	01/09/2015
H140_P05 P1	Proposed Ground Floor Plan – Level 0	01/09/2015
H140_P06	Proposed First Floor Plan – Level 1	31/07/2015
H140_P07	Proposed Loft Floor Plan – Level 2	31/07/2015
H140_P08	Proposed Roof Plan	31/07/2015
H140_P09	Proposed Elevations 1 & 4	31/07/2015
H140_P10 P1	Proposed Elevations 2 & 2A	01/09/2015
H140_P11 P1	Proposed Elevations 3 & 3A	01/09/2015

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 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.

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

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

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

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: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. 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.

7. Prior to the occupation of the development, details of external machinery or plant including details of sound attenuation shall be submitted to and approved in writing by the local planning authority. The apparatus shall be implemented in accordance with the approved details and maintained in good working order at all times.

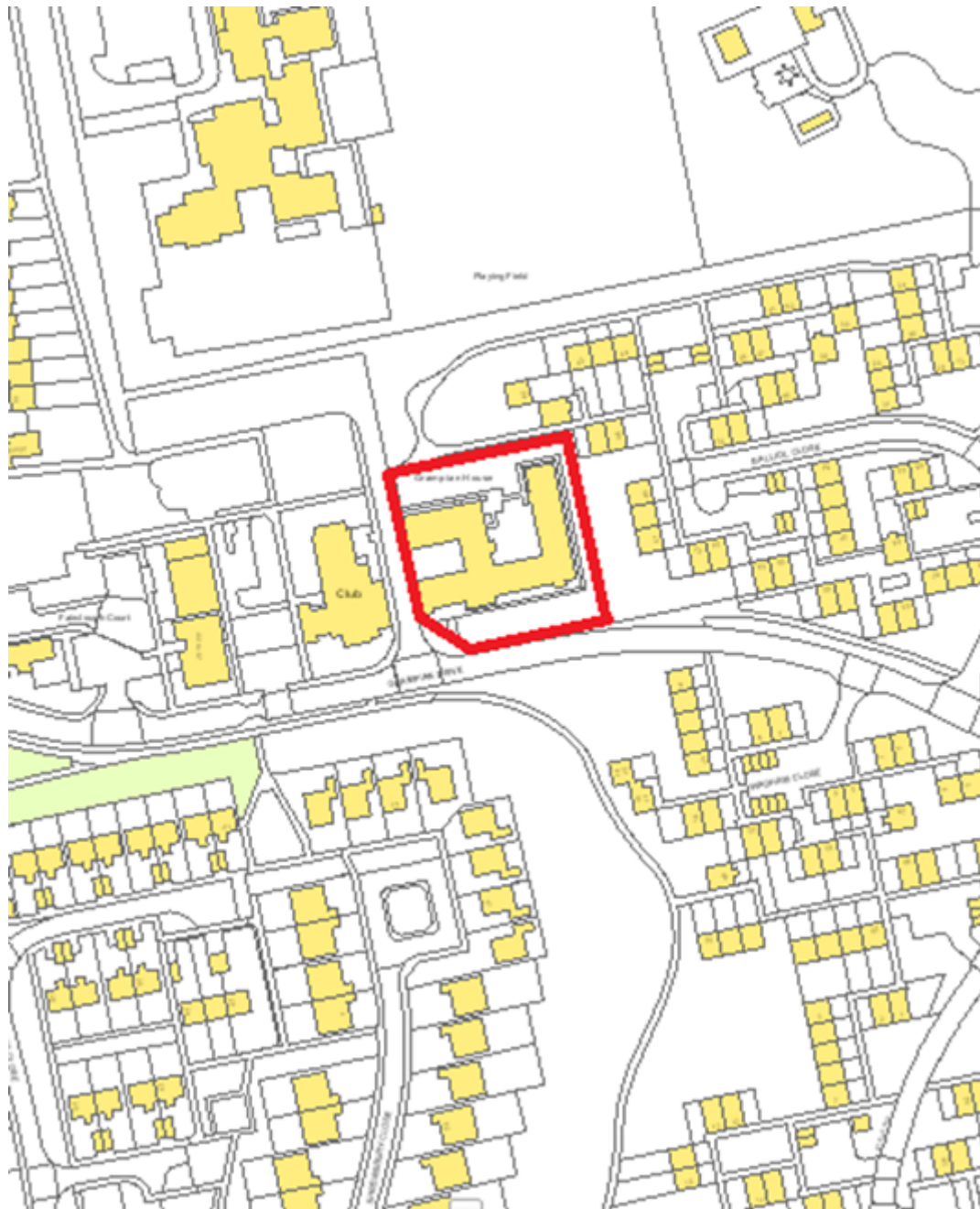
Reason: In the interests of the residential amenity of the surrounding properties and to comply with policies 1 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Demolition of existing care home building and construction of 55-bedroom care home with associated landscaping and car parking at Grampian House, Grampian Drive, Peterlee, SR8 2LR Ref: DM/15/02400/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Date 10th November 2015

This page is intentionally left blank