



Area Planning Committee (Central and East)

Date Tuesday 9 February 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 January 2016 (Pages 1 - 6)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/15/03700/FPA - Durham Companions Club, Ainsley Street, Durham, DH1 4BJ (Pages 7 - 20)
Conversion and extension of former Companions Club building to provide 9 no. residential flats, associated ancillary facilities and parking.
 - b) DM/15/03463/FPA - Oaklea School Clinic, Salters Lane, Wingate (Pages 21 - 32)
Demolition of existing NHS Clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan).
 - c) DM/15/03887/FPA - 17 Wynyard Grove, Gilesgate, Durham, DH1 2QJ (Pages 33 - 40)
Change of use and extension from C3 dwelling to 7 bedroom sui generis student HMO with internal alterations, conversion of loft space, and single storey rear extension.
 - d) DM/15/03945/FPA - 67 Front Street, Pity Me, Durham, DH1 5DE (Pages 41 - 52)
Proposed residential development of 6 No. linked dwelling houses.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
1 February 2016

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

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

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

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 12 January 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Clark, P Conway, M Davinson, D Freeman, S Iveson, C Kay, A Laing (Vice-Chairman), J Lethbridge, B Moir and K Shaw

Also Present:

Councillor E Huntington

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, G Bleasdale and K Dearden.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The Minutes of the meeting held 8 December 2015 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest.

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

a DM/15/03324/FPA - 2 Pease Road, North West Industrial Estate, Peterlee, SR8 2RD

The Planning Officer, Laura Eden gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for a change of use from Class B1 (Light Industry) to Class D2 (Assembly and Leisure) and was recommended for approval subject to conditions.

The Planning Officer informed Members that the report included reference at paragraph 34 to “occupancy rates” and this should have read “vacancy rates”.

The Chairman asked the Local Member for Shotton and South Hetton, Councillor E Huntington to speak in relation to the Application.

Councillor E Huntington addressed the Committee noting that as a former Portfolio Holder for Health she held a deep interest in health and wellbeing and accordingly, was generally in support of gymnasias. Councillor E Huntington noted concern however as regards the sustainability of the application, given the number of similar facilities within the industrial estate area. Councillor E Huntington noted that the unit had a large footprint and use as a gymnasium, would provide fewer jobs than if the unit were occupied for industrial use.

The Chairman thanked the Local Member and introduced Mr B Johnson, owner of the Fitness Factory gymnasium who was speaking on behalf of several local gymnasium owners in objection to the application, having 5 minutes to address the Committee.

Mr B Johnson noted that he and the other gymnasium owners and operators passionately supported the health and wellbeing of the local community, however, they felt that there was a question as regards the sustainability of the new facility proposed in the change of use application. Mr B Johnson added that while the report noted the Applicant cited a “sustainable and well thought out layout” he asked whether the Applicant had carried out any feasibility study in terms of sustainability and, given that there were already 4 large gymnasias with floor spaces in the region of 6,000-7,000 square foot, he asked whether the Council felt that the market was saturated. Mr B Johnson added that the loss of B2 industrial class units could be of detriment to the industrial estate. Mr B Johnson concluded by noting that another gymnasium would prevent existing facilities from growing and expanding and the application offered no unique services that further promote the health and wellbeing of the community. Mr B Johnson thanked the Committee for their time and consideration.

The Planning Officer noted that no impact assessment was required for an application of this size and that the Applicant had satisfied planning in terms of the sequential test.

The Chairman thanked the Speaker and introduced Mr B Jewitt, the Applicant and Mr S Pickering in support of the application, they having 5 minutes to address the Committee between them.

Mr B Jewitt thanked the Committee for the opportunity to speak in respect of the application and noted that he had a passion for fitness, playing rugby for Durham and studying Sports Science at university, having received the Professor Leni Oglesby Prize for Achievement. Mr B Jewitt explained he had lived at Peterlee his whole life and understood the needs of the local community. Mr B Jewitt noted he believed that the proposed gymnasium would be sustainable and to that end he had secured a 5 year lease on the property and made a capital investment of £140,000 to obtain gymnasium equipment that was not available in County Durham, the nearest comparable equipment being 70 miles away in York. Mr B Jewitt noted several benefits from the proposed gymnasium, including: 7 jobs; market leading equipment not available in the area; supporting enterprise, innovation and economic development, all elements set out in the National Planning Policy Framework (NPPF). Mr B Jewitt noted that customer choice was key and that in this respect no material weight could be attached to competition in terms of the application, with the NPPF actually supporting competitiveness. Mr B Jewitt concluded by noting he had submitted the application ensuring it was in line with the NPPF and saved Local Plan and that the relevant internal and statutory consultees had returned no objections.

Mr S Pickering noted that Mr B Jewitt was a young entrepreneur who had made a significant investment to bring forward a facility that would benefit the community and bring much needed local jobs. Mr S Pickering added that the building, and those in the vicinity, would be more secure with the unit being occupied and that NPPF was clear in its support of enterprise. Mr S Pickering concluded by noting that the development was sustainable, close to local transport links, and he believed that the application was of merit.

The Chairman thanked the Speakers and asked Members of the Committee for their questions and comments on the application.

Members debated the issues raised by the Local Member, Speakers and Officers and Councillor A Laing noted that health was an important issue, especially in the North East and that the Planning Officer had highlighted the high vacancy rate in this particular industrial estate. Members noted that the Applicant had chosen this particular unit as it had a large flat floor to accommodate equipment and there were benefits in terms of job creation and to the health and wellbeing of the local community.

Councillor A Laing moved that the application be approved; she was seconded by Councillor B Moir.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

b DM/15/02384/FPA - Land opposite St Pauls Church, Commercial Street, Trimdon Station

The Senior Planning Officer, Barry Gavillet gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a construction of 12 no. dwellings with associated parking, access and alteration to a bus shelter and was recommended for approval subject to conditions.

The Senior Planning Officer informed Members that the report included reference to Trimdon Parish Council and should have stated Trimdon Foundry Parish Council.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted that the application appeared to be straightforward and presented a "win-win" in terms of providing additional housing and bringing a derelict site back into use.

Councillor P Conway moved that the application be approved; he was seconded by Councillor A Laing.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

c DM/15/03039/OUT - Plants R Ross, South Hetton Road, Easington Village

The Senior Planning Officer, Barry Gavillet gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for extension of an existing garden centre.

The Chairman introduced Mrs P Stubbs, the Applicant and owner of the garden centre, having 5 minutes to address the Committee.

Mrs P Stubbs thanked the Committee for the opportunity to speak in respect of the application and noted that her company owned 9 garden centres across the country, however, the company was a family company and not a corporate chain. Mrs P Stubbs noted that their company had taken on their first garden centre in 1990 and built up their company to a business with a turnover of approximately £4.5 million and with 84 full-time equivalent employees. Mrs P Stubbs noted that their company had previously brought run-down garden centres up to a high quality and would invest to ensure the centre was operational as soon as possible, then to bring additional features over time. Mrs P Stubbs explained that her company had never once made anyone redundant and that the company would work hard to improve the centre to make it the heart of the community. Mrs P Stubbs reiterated that her company was a family firm and would utilise local firms in the refurbishment, and that there was potential for up to 50 jobs with various positions including customer service staff, a chef, administrative staff, an accountant and a manager, helping to develop various skill in the local area.

The Chairman thanked the Speaker and asked Members of the Committee for their questions and comments on the application.

Members debated the issues raised by the Speaker and Officers and Councillor A Laing noted she supported the application. Councillor J Clark asked whether there were opportunities for apprentices or trainees at the refurbished garden centre. Mrs P Stubbs noted that her company worked with industry agencies and there were opportunities to train on-site and, with there being a shift system in operation, there was flexibility to suit different potential employees. Councillor B Moir asked whether the site was accessible by young people and those without access to a motor vehicle. It was confirmed that the application site was on a regular bus route.

Councillor A Laing moved that the application be approved; she was seconded by Councillor B Moir.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03700/FPA
FULL APPLICATION DESCRIPTION:	Conversion and extension of former Companions Club building to provide 9 no. residential flats, associated ancillary facilities and parking
NAME OF APPLICANT:	3R Land & Property
ADDRESS:	Durham Companions Club, Ainsley Street, Durham, DH1 4BJ
ELECTORAL DIVISION:	Nevilles Cross
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 Durham Companions Club which is situated on Ainsley Street in Durham City. The Club premises are formed from two buildings. The older building is a two storey rendered brick building with pitched natural slate roof. At ground floor level this building was last used as storage and garaging and at first floor the club extended over with toilet facilities, a committee room and an office. The larger building on site is a two storey concrete frame building with concrete flat roof and brick infill panels.
2. The application site is located within the north western part of Durham (City Centre) Conservation Area on the edge of Flass Vale. It is situated off the main street frontage between Waddington Street to the north and east, and Mowbray Street to the south and east, in a mixed use area, and is approximately 70 metres southwest of the Grade II listed Redhill's Miners Hall. Flass House is located directly to the west. The residential properties on The Bowers are located to the north.

The Proposal

3. Planning permission is sought for the redevelopment of the site to provide nine residential apartments. The proposals would retain the existing buildings and a third floor would be constructed on the Companions Club with a pitch roof erected. The front (west) elevations would be redesigned to provide residential fenestration and door openings. To the rear (east), the existing openings to the rear of No. 10 Waddington Street would be retained and refurbished. The car park will be retained to the front of the building which will have 10 car parking spaces.

4. This application is referred to the Planning Committee at the request of the Ward Councillor.

PLANNING HISTORY

5. Other than some applications for adverts, there is no planning history associated with this site.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 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.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

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

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

LOCAL PLAN POLICY:

City of Durham Local Plan

17. *Policy E6 (Durham City Centre Conservation Area)* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
18. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
19. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
20. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
21. *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.

22. *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.
23. *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.
24. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
25. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
26. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
27. *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.
28. *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.
29. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
30. *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.
31. *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.

32. Policy U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
33. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public 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 at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *County Highways Authority* has not raised any objection indicating that the site is within the City's controlled parking zone but the Council's parking policy states permits for on street parking would not be available to new residents of the development.
36. *Northumbrian Water* has not raised any objections.
37. *The Coal Authority* has not raised any objections.

INTERNAL CONSULTEE RESPONSES:

38. *Archaeology* has not raised any objections.
39. *Sustainability Officer* indicates that the development will be built following the energy hierarchy and therefore no objections are raised.
40. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.
41. *Environmental Management (Noise)* has not raised any objections to the proposed development. Conditions are recommended in terms of construction methods.
42. *Ecologist* has not raised any objections to the proposed scheme.
43. *Design and Conservation* has indicated that the proposals would secure a new and long term sustainable future for the site which will not only see the appropriate reuse and conversion of the existing buildings but would see them make a positive rather than the current negative/neutral contribution to the townscape.

44. *Drainage Officer* has not raised any objections to the proposed development.

45. *Public Rights of Way* have confirmed that the proposal would not impact on nearby public rights of way.

PUBLIC RESPONSES:

46. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 6 letters of representation have been received from local residents. Letters have also been received from the City of Durham Trust.

47. Concerns are raised in relation to the increase in height and overbearing and overshadowing impacts this would create. Risk of flooding and drainage is considered to be an issue. It is considered by one resident that the scale of development would detract from the character of the conservation area and would have a significant visual impact. The rear elevation is considered unattractive as a blank elevation. There are concerns that the development would become another multiple occupation student development. It has been indicated that the owners of Ainsley House have land registry lease rights to use 4 car parking spaces within the grounds of the Companion Club. Comments have also been made with regards to the status of the planning permission for residential accommodation on the site directly abutting the Companions Club. There are concerns that the communal garden area to the rear of the site might be damaged during construction works.

48. The City of Durham Trust have indicated that they would welcome the extension and conversion of the building providing a condition could be imposed restricting the site to C3 residence. It is noted that the rear elevation requires some relief or variation. The Trust suggests that contribution to artwork should go towards the restoration of nearby well and steps on the way to Flass Street. Conditions are also requested in relation to construction period to avoid any disturbance to local residents.

APPLICANTS STATEMENT:

49. This development seeks to bring the vacant Companions Club building back into use through refurbishment and extension to provide 9 private residential apartments. The building has been derelict since April 2015 when the Companions Club relocated to Framwellgate Moor – this application represents an opportunity to bring the site back into use whilst providing much needed housing in this area of the City.

50. The application represents a sensitive refurbishment of the existing building that retains the existing footprint and foundations of the structure, this is important as the construction time will be shorter and the disruption to local residents reduced.

51. Redevelopment of this brownfield site has substantial construction costs and as such the proposed extension is a necessity should the vacant building be brought back into use. The views of local residents in relation to the impact of this extension have been taken on board and the roof design has been amended to address concerns. The proposed extension does not have a significant impact on surrounding amenity levels, particularly when the existing buildings and topography of the area are taken into account.

52. The proposals provide a sustainable use of a vacant property and will provide desirable residential properties within the city.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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 relates to the principle of development; impact upon the character, appearance and setting of conservation area and surrounding area; impact on residential amenity; highway safety; ecology and other issues.

Principle of development

54. The proposals would be the redevelopment of brownfield land within the settlement limits of Durham City for residential accommodation which would be in direct accordance with policy H2 of the local plan. The site is located within close walking distance to shops, public facilities and transport services and therefore the site is considered to be within a sustainable location.

55. The principle of development is acceptable and the proposal would be in accordance with policy H2 of the local plan as well as the sustainable principles of the NPPF.

56. Some concerns have been raised over the proposed flats being used as student accommodation. A condition is recommended removing permitted development rights which will ensure that the flats cannot be converted into a House of Multiple Occupation (HMO). A condition is recommended accordingly.

Impact upon the character, appearance and setting of the conservation area and surrounding area

57. This application seek full planning permission to redevelop the existing rear part of No.10 Waddington Street and the adjoining Durham Companions Club, Ainsley Street, Durham City to provide no.9 residential units with associated ancillary facilities and parking provision. The application site is located within the north western part of Durham (City Centre) Conservation Area on the edge of Flass Vale, which provides a scenic green backdrop to the urban edges. It is situated off the main street frontage between Waddington Street to the north, and Mowbray Street to the south, in a mixed use area, and is approximately 70 metres southwest of the Grade II listed Redhill's Miners Hall. This part of the city is characterised by Victorian developments, predominantly domestic and commercial buildings with some more recent student accommodation developments.

58. The site consists of essentially 2 built components, the rear of No's 10 to 12 Waddington Street and the adjoining Durham Companions Club. Taking these in turn, No's 10 to 12 Waddington Street are of some significance dating from the late 19th century with the façade of No.12 particularly notable architecturally and contributing positively to the townscape. The adjoining Companions Club is made up of former flat-roofed office/warehouses dating from the 1960/70's built in the site of earlier buildings. The Companions Club could be said to have some communal value given its past as a place of social interaction, but overall this group of buildings have limited historic and no real evidential values while their architectural and aesthetic design merits are low. This equates to the group of buildings possessing little in the way of significance and making a neutral/negative contribution to the designated conservation area. The application site is also of significance due to being firmly within the immediate setting of the Grade II Listed Redhill's Miners Hall built as the Headquarters of the Durham Miners Association in 1913-15, a substantial, handsome and impressive building of the Baroque style.

59. The retention and conversion of the building directly attached to the rear of no.10 Waddington Street is welcomed in view of it having a degree of historic interest which merits its retention and alternative use in an acceptable manner. Given the form, size and interior arrangement of the Companion Club building it would be unlikely that sufficient space could be created within the existing envelope to make conversion economically viable, this and the overall beneficial impact outweighs the negative impact of the additional built mass at high level. Despite the increase a clear hierarchy of subservient architectural forms would be created by height, eaves and ridge level variants, the buildings stepping downwards from right to left, while the existing building lines following the historic development across the site would be maintained. Loss of the existing flat roofs replaced with pitched roofs would be wholly positive as would the changes to the elevational treatments substituting the current out dated and low quality frontages with one's well-ordered, vertically articulated and aesthetically superior.
60. The scheme would breathe new life into the existing out-dated buildings sustaining them in beneficial use and even though there will inevitably be an impact this would be wholly positive resulting in an enhancement to the significance of this part of the conservation area as a designated heritage asset. The impact on the Grade II listed Redhill's Miners Hall would be negated by the depressed nature of the site situated in the bottom of a minor east-west aligned valley, the shielding by vegetation as well as the intervening buildings, and the limited views into and from the site. Due to this lack of intervisibility between the two sites the heritage values of this designated heritage asset and how these values are best appreciated would not be adversely affected by these proposals therefore its significance and setting would be conserved.
61. Given the above comments it is considered that the proposed development would enhance the character and setting of the Durham City Conservation Area and would not have a detrimental impact on the appearance of the surrounding area or nearby heritage assets. Overall the proposal is considered to be in accordance with policies E6, E23 and E22 of the local plan and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
62. The Design and Access Statement indicates that the finished materials are to be a mix of render, brick with slate roof. Given the site is located within a conservation area, it is crucial that the specific details of the materials are agreed. A condition is therefore recommended for all materials to be submitted to and agreed prior to works commencing on site.

Impact on residential amenity

63. The neighbouring properties on the properties to the west (Flass House & The Bowers) are located over 35 metres from the proposed development which ensures adequate levels of privacy are maintained and no overbearing or overshadowing impacts will be created. To the south and east of the development is the rear of the terraced properties on Mowbray Street and Waddington Street. At present there are windows along the east boundary of the building which face onto the rear of the neighbouring properties. The majority of the windows along the east elevation are to be removed. Those windows which are to be retained would be fitted with obscure glazing which will ensure there will be no loss of privacy to neighbouring dwellings.

64. An additional floor is to be created on the south east section of the building which has the potential to create some overbearing and overshadowing impacts on the residential properties on Mowbray Street. In particular, neighbouring property No. 5 Mowbray Street has a first floor window which is located five metres from the south east corner of the Companions Club building. The increase of the Club by an additional floor would have an impact on the rear of Mowbray Street, in particular No.5. Separation distances guidance are clearly not met. The assessment which therefore needs to be made is whether the additional floor would have an adverse impact on neighbouring properties which would be sufficient to justify refusal of the application. Given the surrounding area is predominantly terraced properties, separation distances between properties are significantly lower than the separation distances stated in policy guidance. The pattern of development of the terraced properties in this area is generally close knit and intimate with some existing properties having similar separation distances to the five metre separation between the proposed development and No. 5 Mowbray Street. The existing building is also considered to have a negative or at the most a neutral impact on the conservation area, and the proposals would enhance the character and appearance of the conservation area. Given there are examples of similar separation distances in the near locality and the benefits which the scheme will provide in terms of enhancements to the conservation area, it is considered on balance that the impacts of the additional floor on the properties on Mowbray Street would not be sufficient to warrant refusal of the application.

65. Given the site is surrounded by residential properties, there is the potential for disturbance to residential amenity during construction period. A condition is recommended restricting construction times. A condition requiring the submission and agreement of a construction management plan will also ensure the construction of the development limits the impact and disturbance on surrounding residential properties.

Highway safety

66. The proposed development is in a highly accessible location being close to all the City's transport hubs and facilities. The former site provided off street parking facilities and the new development would provide provision of 10 car parking spaces. The applicant has acknowledged that four of the spaces would be required for use by the adjacent business premises at Ainsley House. The proposed parking provision is considered acceptable and the Highways Officer has not raised any objections to the proposals. It is noted that the site is within the City's controlled parking zone and the Council's parking policy states that permits for on street parking would not be available to new residents of the development.

67. It is also noted that as part of the proposed development, the footpath which runs along the front of the site is to be increased in width. This is welcomed by the Public Rights of Way Team as it provides improved footpath facilities where it is currently at a restricted width.

68. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety and the scheme is considered acceptable. The proposal would not be contrary to policies T1, T10, and T21 of the local plan.

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 where this is likely to be an interference with an EPS must consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
71. A Bat Survey of the site has been submitted with the application. This survey concludes that no bats were seen to emerge from, swarm around or roost within the buildings on site during the surveys. The buildings have limited potential to support small numbers of crevice roosting bats at times during the bat activity season, however due to the proximity of known roosts and low levels of bat activity in the wider area this use is considered to be unlikely. The County Ecologist has not raised any objections to the findings of the survey. Consequently 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. In particular, as there is unlikely to be a disturbance of a European Protected Species, it is not necessary to apply the derogation tests to come to a view on whether a licence may be granted. A condition is recommended for the mitigation strategy within the Bat Survey to be adhered to.

Other issues

72. Drainage and flooding has been raised as a concern by some locals. It is noted that the Council's Drainage Officer and Northumbrian Water have not raised any concerns with regards to the proposed drainage from the site. In terms of flooding, it is not considered that the proposed development which is a conversion of an existing building with additional extension would create any further adverse flooding issues in the area.
73. The City of Durham Trust had made some comments in relation to developer contributions to public art. Contributions towards public art can only be required on major residential schemes, where 10 or more units are being created. Contributions towards public art or recreational facilities cannot be required from this development. It is understood however that the developer has engaged with the local community and it has been agreed that the developer will remove the redundant garage building to the rear of the site. The removal of this redundant garage does not fall within the scope of this planning application however the developer has agreed with local residents to remove the garage as a gesture of good will which will improve the appearance of the area.

74. A local resident has questioned the status of a planning permission directly adjacent to the application site. Permission has been granted for residential accommodation on the adjacent site. Officers assessment is that this permission remains extant as building operations have taken place on site. The status of the permission on the adjacent site does not have any material bearing on the assessment of the proposals in this application. Another resident has stated that during the public consultation event held by the developer, it was agreed that any damage done to the communal garden during development would be restored. The local resident has requested that a condition be imposed ensuring that these restoration works are undertaken. This issue is a civil matter and a condition could not be imposed in this regard.

CONCLUSION

75. The proposed development is considered acceptable in principle as it is the redevelopment of a brownfield site sustainably located in an area which has existing residential use. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
76. The proposed development has been sensitively designed and it is considered that the proposal would enhance the character and setting of the Durham City Conservation Area and would not have an adverse impact on the appearance of the surrounding area. Overall the proposal is considered to be in accordance with policies E6 and E22 of the local plan.
77. The proposed development would not result in the loss of privacy to neighbouring properties. There are some residential properties which are in close proximity to the application site however the general pattern of development in the area provides other examples of buildings which have similar separation distances. In addition to the positive contribution the development would make to the conservation area, it is considered on balance that any overbearing or overshadowing impacts created would not be sufficient to refuse planning permission in this instance.
78. Ten car parking spaces are to be provided within the curtilage of the site which will be used for residents of the new development as well as the adjoining business at Ainsley House. The scheme will provide footpath improvements along the front of the site by widening the existing narrow footpath. It is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10 and T21 of the local plan.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of commuted sums towards open space, recreational facilities and 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
010-03	Proposed Ground Floor Plan	27/11/2015
011-02	Proposed First Floor Plan	27/11/2015
012-03	Proposed Second Floor Plan	27/11/2015
016-01	Site Sections	27/11/2015
013-03	Proposed Roof Plan	27/11/2105
001	Location Plan	27/11/2015
002	Site Plan	27/11/2015
TPP	Tree Protection Plan	27/11/2015
AMS EXI	Tree Survey	27/11/2015
015-05	Proposed Elevations	27/01/2016

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

3. No development shall take place until a construction management plan, which identifies delivery operations, has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with policies E3, E6 and E22 of the City of Durham Local Plan.

5. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and agreed in writing by the local planning authority. The scheme shall include the following:

Pre-commencement

- a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by a competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination;
- b) 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 a 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 the first occupation of the development.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) no change of use of the hereby approved residential accommodation from use class C3 (dwelling houses) to use class C4 (houses in multiple occupation) shall be carried out.

Reason: In order that the local planning authority may exercise further control to prevent overconcentration of houses in multiple occupation having regard to the need to deliver inclusive and mixed communities as identified in Part 6 of the National Planning Policy Framework.

7. No development shall take place unless in accordance with the mitigation detailed in the 'Bat Activity Survey Report' dated July 2015 by Tina Wiffen.

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

8. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

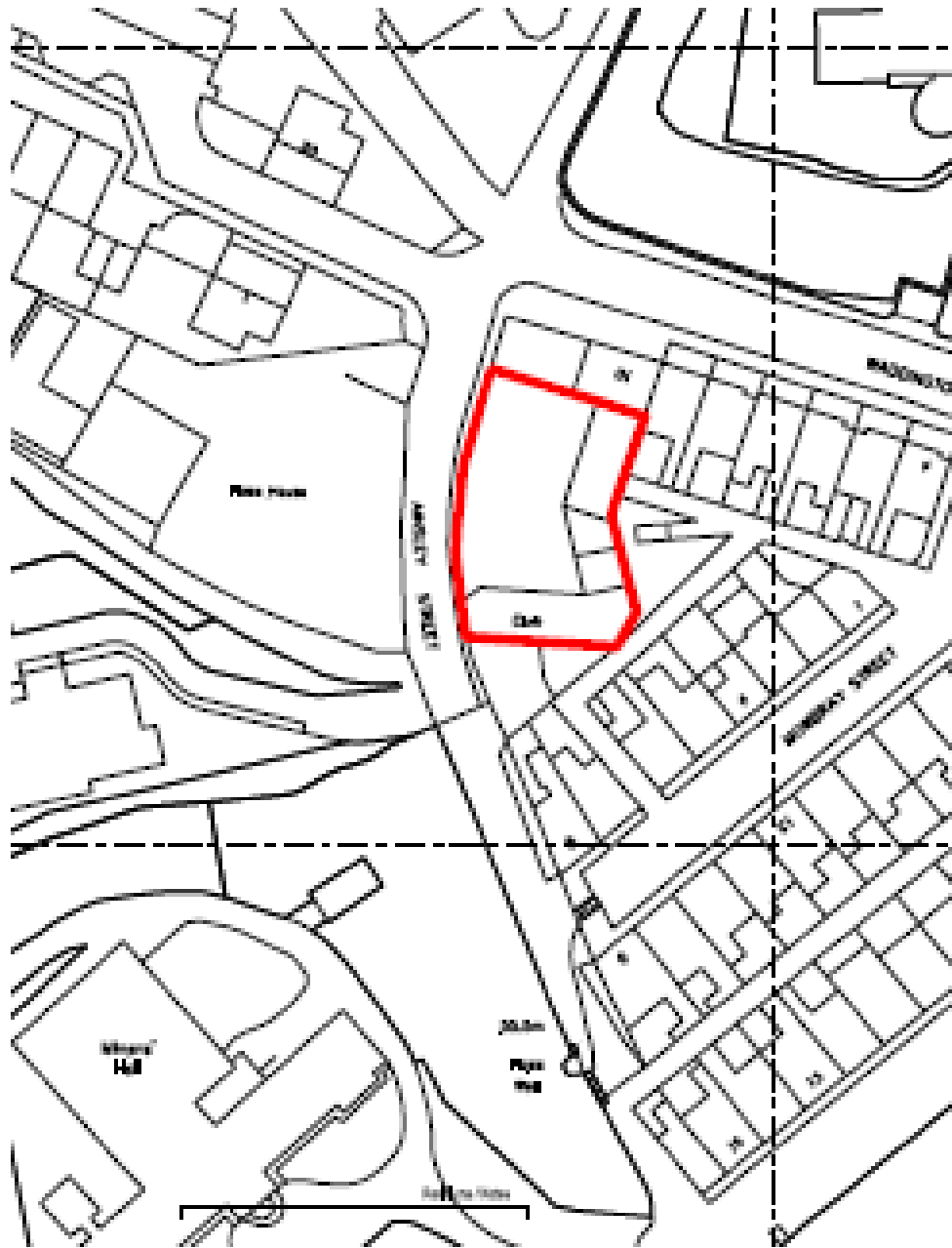
Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.


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.

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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Conversion and extension of former Companions Club building to provide 9 no. residential flats, associated ancillary facilities and parking at Durham Companions Club, Ainsley Street, Durham, DH1 4BJ Ref: DM/15/03700/FPA</p>				
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<table border="1"> <tr> <td data-bbox="868 1906 1190 1951"></td> <td data-bbox="1190 1906 1449 1951"></td> </tr> <tr> <td data-bbox="868 1951 1190 2063"> <p>Date 9th February 2016</p> </td> <td data-bbox="1190 1951 1449 2063"></td> </tr> </table>			<p>Date 9th February 2016</p>	
<p>Date 9th February 2016</p>					

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/03463/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing NHS Clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan).
NAME OF APPLICANT:	Mr Peter Armstrong
ADDRESS:	Oaklea School Clinic, Salters Lane, Wingate.
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Susan Hyde, Planning Officer 03000 263960 susan.hyde@durham .gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1.0 Site: The application site is located within the northern part of Wingate and consists of a large two storey building that was formerly an NHS clinic with associated parking to the rear. To the north of this site is a landscaped green space with mature trees that have the benefit of a Tree Preservation Order. The application site also includes part of this land. The site lies within an established residential area in Wingate and there are residential properties to the west, south and east and dwellings to the north beyond the open amenity land.

2.0 PROPOSAL: The application proposes 6 two and a half storey town houses with bedrooms in the roof space in the form of a detached dwelling and a terrace of five dwellings. Five 3 bedroom houses are proposed and one 4 bedroom house. The siting involves the detached dwelling being located on the site of the former clinic and the terraced row located to the north and partly built on the area of public open space.

3.0 The application has been amended during the course of this application to reduce the development encroaching as far into the area of public open space. In addition the plans have been amended to retain two mature trees that have the benefit of a tree preservation order. All trees with the benefit of a tree preservation order are now retained. Vehicular access and parking for the dwellings are proposed between the properties, from the main road at the front of the site.

4.0 The application is considered at committee at the request of Cllr Taylor on the grounds that he was concerned about the design of the properties, the impact on the area of open space and the impact on the trees that are protected with a tree preservation order.

PLANNING HISTORY

5.0 Pre application on the proposed conversion of the Oaklea School Clinic in to apartments and the potential to demolish the existing Clinic and re build on the site.

6.0 Planning application DM/15/00768/FPA was refused planning consent under delegated powers for 7 dwellings on the site.

PLANNING POLICY

NATIONAL POLICY

7.0 The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

8.0 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'.

In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

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

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

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

12.0 NPPF Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

13.0 NPPF Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

14.0 NPPF Part 8 - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

15.0 NPPF Part 10 - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

16.0 NPPF Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

County Durham Plan

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 at the present time.

LOCAL PLAN POLICY:

17.0 District of Easington Local Plan

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.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 11 – Seeks to protect trees with a Tree Preservation Order

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.

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.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 67 Generally support the development of housing on previously developed land in the settlement boundary.

Policy 75 - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.

Policy 77 - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

Policy 92 – Seeks to protect amenity open space unless developing a small part to enable the enhancement of the remaining land.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18.0 County Highway Officer – Raises no objection to the amended layout

INTERNAL CONSULTEE RESPONSES:

20.0 Landscape Architect – Raises concerns about the impact of the houses on the open space and the trees.

21.0 Landscape Tree Officer – A tree preservation order was confirmed on the 20th June 2014 on the mature trees on the site. The tree officer has confirmed that the development can be undertaken without affecting the root protection area of the protected trees and requires the development to be undertaken in accordance with the applicants updated tree report.

22.0 County Councils Drainage Officer – Raises no objection subject to conditions about the drainage hierarchy and an informative about setting the floor level at 150mm above ground level.

23.0 County Ecologist – Raises no objection but requires the mitigation identified in the bat risk assessment to be conditioned if planning consent is granted.

24.0 Rights of Way – Raises no objection

25.0 Environmental Health Officers – Raised no objection subject to informatives about minimizing noise and disturbance to local residents during demolition and construction.

PUBLIC RESPONSES:

26.0 Neighbour notifications in the form of letters were sent to neighbouring properties and site notices were erected.

27.0 1 letter of objection on behalf of residents on Burdon Crescent, Fourways Court, Salters Lane and Granby Terrace to the amended plan. The letter acknowledges the improvements the amended plan has made but considers there are still outstanding issues relating to:

28.0 Residents would like additional tree and shrub planting on the open space area.

29.0 Residents would like restrictions on the green to prevent children using the green as a playground and requests signs are erected on the green. The residents note that there are a lot of elderly residents in the area and they wish to continue enjoying the pleasant amenity of the green.

30.0 Parking is an existing problem and residents have requested that Burdon Crescent / Fourways Court is altered to become a private road for residents only.

31.0 The Green will be given to the County Council as a gift.

32.0 The applicant has turned the clinic into an eyesore and dumping ground

33.0 The path in front of the houses is too close to the trees and also removes more of the green into the applicant's development.

34.0 Residents request the green is fenced off during the development of the site.

35.0 Wingate Parish Council initially raised concerns about the application but have withdrawn their concerns following the receipt of the amended plan.

37.0 Cllr Taylor has raised concern that the proposed town houses would not be in keeping with the other residential properties in the area, that the green space has been available for over 50 years and should be protected and that several trees in the area are covered with TPO's.

APPLICANTS STATEMENT:

38.0 As applicants, are pleased to say that after nearly 2 years of working with and listening to the planners, including amending our scheme for a second submission, now believe that this application falls in line with planning laws and has the full support of the planners and delegates involved. We have also listened to the residents, compromised and amended the scheme where necessary to now have full support from the Parish Council too.

39.0 The current state of the existing clinic, which we have been advised to demolish due to the extent of renovation works needed, does not provide an inviting entrance to the Village. Our development will create a more pleasurable view. All trees adjacent to the clinic will be kept, along with retaining over 90% of the green space. We believe this will be an enhancement.

40.0 We are not a big builder, we are local people with several family members currently living in Wingate who are also in support of these new homes. I want to assure you these homes will be built with quality and care and in our view be a positive addition to the village of Wingate.

PLANNING CONSIDERATIONS AND ASSESSMENT

41.0 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 relevant considerations are the principle of the development, highways issues, loss of protected trees, impact on the amenity space, impact on the character and appearance of the area, ecology and flood risk and the concerns raised by residents and the Parish Council.

43.0 Principle of the development

44.0 The key planning policy issues relate to the sustainability of the location, and degree of accordance with the existing policies of the adopted Local Plan. In this case the proposal is to demolish the existing building which is currently closed and was previously a medical centre. A replacement medical centre has opened in Wingate and as such the building is no longer required to provide for this community facility. The building is not listed and is not considered to be a non-designated heritage asset and as such there is no objection to the demolition of this building. Currently there is a clearly defined curtilage with the building which provides the building and parking area. A redevelopment of this space would be considered to be on previously developed land and in accordance with Policy 67 of the Local Plan.

45.0 The submitted application also includes part of the land that is amenity space which forms a well maintained green with mature trees and planting. Policy 92 of the Easington Local Plan seeks to protect amenity open space unless developing a small part to enable the enhancement of the remaining land. In this case the applicant has put forward the offer to protect this area by a Legal Agreement.

46.0 The amended plan has reduced the land that is proposed to be developed of the green and has retained the two mature trees that benefit from a tree preservation order. The retention of the trees and the reduction of the area of the green to be developed is now considered by Planning Officers and the County Landscape Architect to protect the visual amenity of the land. This is discussed below in more depth.

Access and Parking

47.0 The County Highway Officer raises no objection to the application and considers the parking provision for 11 car parking spaces for the 7 properties is considered satisfactory. This provision is in accordance with Durham County Councils Car Parking Standards. The Highway Officer has also carefully assessed the proposed junction into the development estate and considers it complies with Manual for Streets Guidance for a 30mph road such as North Road and hence is acceptable.

Impact on Protected Trees

48.0 The amenity space has the benefit of mature trees that are protected by a Tree Preservation Order that was served in June 2014 with support of local residents and no objections to the order. Policy 11 of the Local Plan seeks to protect trees that have the benefit of tree preservation orders. Not all trees on the application site were protected in June 2014 – and the two trees to the rear of the car park have now been felled.

49.0 The application has been amended to retain the existing two mature trees closest to the development site that have the benefit of a TPO. The County Council tree officer has carefully assessed the submitted tree report and amended plans and considers that the development including the pedestrian path to the front of the properties will not detrimentally affect the health of the protected trees.

Impact on the open amenity space.

50.0 The area of open amenity space is located at the northern end of the village and is sited adjacent to North Road which forms the main access road through the village. A seated bus stop is located within the site. The County Councils Landscape Architect considers the site is an area of particular character and high visual amenity value. Mature trees on the site and within the public open space to the north contribute substantially to the 'village green' qualities of the area that has a complex landform sloping down to the east.

51.0 Policy 92 of the Local Plan seeks to protect the amenity space unless developing a small part to enhance the remainder of the site. In this case the land is in private ownership and the applicant had offered to gift the remainder of this site either to the County Council or to the Parish Council if consent is granted for the development, to retain the land as open amenity space for residents. Following lengthy discussions the amenity space will be gifted to the Local Planning Authority and the County Council will continue to maintain the land.

52.0 The County Councils Technical & Service Development Manager has commented that under the open space adoption policy the County Council would normally require a developer to pay a commuted sum based on 15 years maintenance costs and to transfer the land into the County Councils ownership (this mainly applies to open space associated with new housing developments). However the policy also provides discretion to look at each site on a case by case basis. Given that Durham County Council and the former District of Easington have maintained the area of land in question for many years, and it is a piece of open space with a high amenity value the Technical and Service Manager would be in agreement to taking on the open space for ongoing maintenance, without payment of a commuted sum, subject to the land being transferred into Durham County Council ownership (with the current owner paying associated legal costs). The applicant has requested that the transfer of the land ownership would occur after the occupation of the second property to allow access onto the land whilst the build is undertaken. The Legal Agreement would reflect this request.

53.0 Officers consider that the amended plan, which reduces the amount of the open space that is developed, retains the protected trees. The Legal Agreement that gifts the land to the County Council would then allow the future retention of the land as open space would outweigh the harm from developing a small part of this open space and be compliant with Policy 92 of the Local Plan.

54.0 Paragraph 74 of the NPPF states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision. Officers consider that securing the open space that is now in private ownership for open space for the benefit of the community justifies the small area of the open space to be developed in accordance with Paragraph 74 of the NPPF.

Impact of the dwellings on the character and amenity of the area.

55.0 This area of Wingate is characterised by two storey predominantly former local authority semi-detached dwellings. Such houses are located on Burdon Crescent to the north and east and North Road to the west. To the south is a vernacular terraced row of two storey dwellings.

56.0 The proposed development is for 2 and a half storey town houses. The amended plans altered the height of the detached dwelling to match the eaves height adjacent to the existing terraced dwelling on North Road so that the dwelling relates to the height in the street scene. In addition bay windows are a design feature on the properties which again is a local design feature on the adjacent terraced row of properties on North Road.

57.0 Saved policy 35 of the Local Plan requires the design and layout of development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Similarly, Part 7 of the NPPF dealing with good design requires that developments should use streetscapes and buildings to create attractive places, and respond to local character and history and reflect the identity of local surroundings. The proposals introduce a different design of property into the street scene. However the siting looking onto the green with the terraced properties stepping down in height to reflect the change in levels on the green is considered to be a good design solution. In addition the design of the terraced row turns the corner onto North Road with this house being double fronted onto the area of open space and North Road to be in keeping with the street scene. The design features such as bay windows, full door surrounds, heads and cills on windows provide a distinctive design which is carried through on all the properties. As such the scale, design and materials of the properties are considered to introduce an attractive modern development of town houses into this area of Wingate. In addition the layout of the development meets the minimum window to window distances required in the space about dwellings policy.

The development is located to meet the window to window distances

Ecology

58.0 The applicant has submitted a bat risk assessment with the application that has identified that there is a low risk of bats and proposing a mitigation strategy if consent is granted for the development. The County Ecologist has raised no objection to the proposal.

Drainage / Flood Risk

59.0 The application site is not located in an area identified for flooding and the County Councils Drainage Engineer has raised no objection to the application and requested the usual conditions regarding the hierarchy of drainage of the site if consent is granted for the development.

Comments on the objectors concerns.

60.0 Residents raised the issue that they would like additional tree and shrub planting on the open space area. This request does not relate to the development site that is the subject of this application and is not required to make the development acceptable. The County Councils Landscape Architect and Tree Officer has considered this request and recommended that two additional trees could be accommodated on the Green in a layout that would enhance the Green. The applicant has considered this request and has agreed to the two additional trees. This is reflected in the conditions. The offer of the two trees is a voluntary offer from the applicant and is not a matter that that can be given any material weight to it in the determination of the planning application.

61.0 Residents would like restrictions on the green to prevent children using the green as a playground and requests signs are erected on the green. The residents note that there are a lot of elderly residents in the area and they wish to continue enjoying the pleasant amenity of the green. The applicant has responded that they are not aware of the need for any restrictions on the use of the Green and can see no reason that use of the Green will change in the future.

62.0 Parking is an existing problem and residents have requested that Burdon Crescent / Fourways Court is altered to become a private road for residents only. The roads are adopted highways and it would be for the County Council to consider any restrictions on parking on these roads. The resident's representative has been provided with contact details for the relevant Council Highway Officer to pursue this request.

63.0 The Green will be given to the County Council as a gift. This is proposed by the applicant and forms the basis of the Legal Agreement.

64.0 The applicant has turned the clinic into an eyesore and dumping ground. The applicant has secured the empty building by boarding up the windows. The applicant has confirmed that they have not degraded the area of open space in any way.

65.0 The path in front of the houses is too close to the trees and also removes more of the green into the applicant's development. As explained above the County Tree Officer has confirmed that the development can be undertaken without detrimentally affecting the health of the trees.

66.0 Residents request the green is fenced off during the development of the site. The trees on the area of open space will be protected in the County Councils usual way whilst development is being undertaken on the site. However Officers do not consider that fencing off the whole area of open space is necessary or reasonable for the proposed development to be undertaken.

CONCLUSION

67.0 The application site for six dwellings is on land within the settlement of Wingate that is on previously developed land. The small area of land that extends into the area of open space has been reduced in the amended plan to retain the two mature trees that have the benefit of a tree preservation order. In compensation for the loss of this small amount of open space the applicant has agreed to a legal agreement to gift the land to Durham County Council.

68.0 The materials, design and massing of the proposed dwellings are considered to be complementary to the street scene in Wingate. The proposal is considered to respect residential amenity and adequate parking and safe access can be achieved.

The proposal is therefore considered to be acceptable and in accordance with local plan and NPPF policies subject to conditions and a Legal Agreement.

69.0 The proposed terms of the Legal Agreement are to transfer the ownership of the open space land to Durham County Council before the occupation of the second property.

RECOMMENDATION

That the application be approved subject to the successful completion of a legal agreement 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 shall be undertaken in strict accordance with the following amended plans received on the 6th January 2016.

Drawing no, 818 - 02 d site plan
Drawing no, 818 - 04 b floor plans
Drawing no, 818 - 03a block plan

Drawing no, 818 - 05 b block plan elevation
Drawing no, 818 - 06a - site section
Drawing no, 818 - 08 d hard landscaping
Drawing no, 818 - 09 Percentage of development
Drawing no, 818 - 07a means of enclosure

In addition to the updated tree report received on the 6th January 2016 and the Design and Access Report, and Bat Risk Report.

Reason: To ensure a satisfactory standard of development in accordance with Policies 1,3,11,18,35,36,37,67,75,77 and 92 of the District of Easington Local Plan 2001.

3. Before the development commences samples of the walling and roof material shall be submitted to the Local Planning Authority and approved in writing. The development shall then be constructed in the approved materials.

Reason: In the interests of visual amenity in accordance with Policy 1 of the District of Easington Local Plan 2001.

4. Before the development is occupied a 100 x 150 mm flush pre-cast concrete channel block shall be installed between the existing public highway and the private car parking court and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with Policies 1 and 36 of the District of Easington Local Plan 2001.

5. Before the development commences a Phase 1 Preliminary Risk Assessment (Desk Top Study) - 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 shall be submitted to the Local Planning Authority and approved in writing. The development shall then be undertaken in accordance with the approved details.

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.

6. The development shall be undertaken in accordance with the updated tree report received on the 6th January 2016 and the fencing to protect the mature trees specified in the report shall be implemented before development commences and retained on site until the substantial completion of the development.

Reason: In the interests of visual amenity and to protect the health of mature trees that have the benefit of a Tree Preservation Order in accordance with Policy 11 of the District of Easington Local Plan 2001.

7. Before the development commences full details of the location and species of two trees that shall be of a size of Extra Heavy Standards (girth 16/18cm) that shall be container grown, underground guyed, irrigation system fitted trees shall be submitted to the Local Planning Authority and approved in writing. The trees shall be located on the existing area of open space (preferably opposite the existing semi-detached houses).

Reason: In the interests of visual amenity and in accordance with the applicants email of the 18th of January 2016 in accordance with Policy 92 of the District of Easington Local Plan 2001.

8. Before the development commences details of the management of the site for demolition shall be submitted to the Local Planning Authority and approved in writing. These details shall include hours of operation, access to the site and storage of materials. The demolition of the site shall then be undertaken in accordance with the agreed details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy 11, 92 and 1 of the District of Easington Local Plan 2001.

9. Before the development begins details of the management of the site for the construction of the dwellings shall be submitted to the Local Planning Authority and approved in writing. These details shall include the hours of operation, the storage of materials and any access or use of the area of open space. These details shall be submitted to the Local Planning Authority and approved in writing. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy 11, 92 and 1 of the District of Easington Local Plan 2001.

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.)

BACKGROUND PAPERS

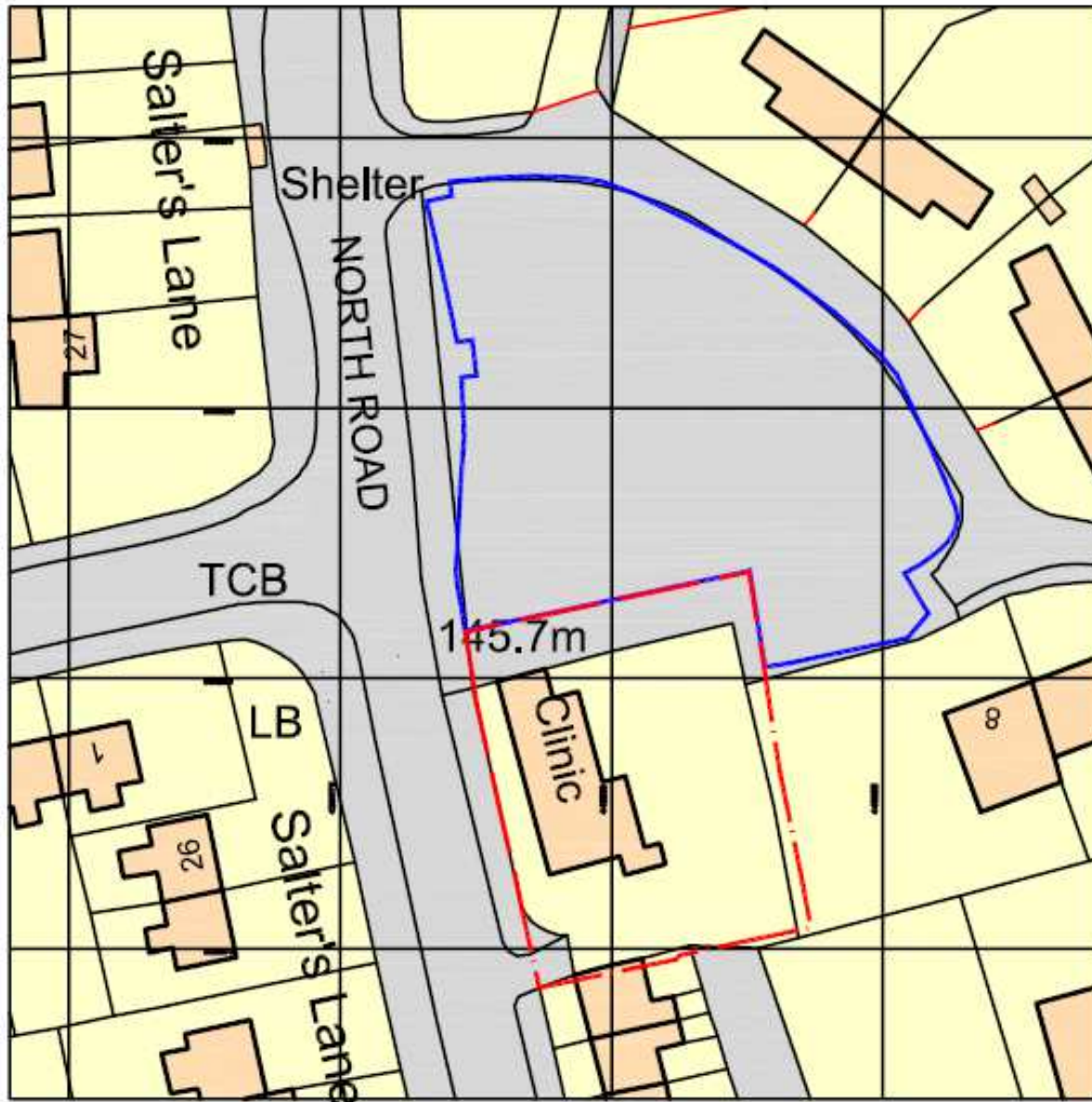
Submitted application forms, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

District of Easington Local Plan 2001

Statutory, internal and public consultation responses



Planning Services

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Demolition of existing NHS Clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan).

Comments

Date. 09 February 2016

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03887/FPA
FULL APPLICATION DESCRIPTION:	Change of use and extension from C3 dwelling to 7 bedroom sui generis student HMO with internal alterations, conversion of loft space, and single storey rear extension.
NAME OF APPLICANT:	Dr W Pollard
ADDRESS:	17 Wynyard Grove, Gilesgate, Durham, DH1 2QJ
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Susan Hyde, Planning Officer, 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

- 1.SITE: The application site relates to 17 Wynyard Grove, a Victorian terraced property which is a C3 dwelling house with two bedrooms. The site is located within the Durham City Centre Conservation Area.
2. PROPOSAL: The planning application proposes to change the use of a C3 dwelling with 2 bedrooms to a Sui Generis HMO (7 beds). The works would also involve the demolition of an existing rear extension and the erection of a new single storey rear extension. The property is proposed provide 2 bedrooms at ground floor level, 3 bedrooms at first floor level and 2 bedrooms at second floor level.
3. The application is brought before members of the Planning Committee at the request of Cllr Moir and Cllr Conway for the reason of the size of the expansion of the property and because two other properties in the street have had a similar application agreed recently.

PLANNING HISTORY

4. Whilst there is no planning history for the application site there are other approvals of a similar nature within the vicinity under the following references:-
5. 7 Wynyard Grove DM/14/03219/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)
6. 20 Wynyard Grove DM/14/03220/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)
7. 4 Wynyard Grove DM/15/00187/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)

8. 16 Wynyard Grove DM/15/00188/FPA- Change of use from class C4 HMO (6 beds) to sui generis HMO (7 beds)

PLANNING POLICY

NATIONAL POLICY

The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings - economic, social and environmental, each mutually dependant.

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

9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

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

11. 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 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

County Durham Plan:

13. 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 at the present time.

LOCAL PLAN POLICY:

14. LOCAL PLAN POLICY:

Policy E6: Durham (City Centre) Conservation Area.

Policy E22: Conservation Areas.

Policy H9: (Multiple Occupation/Student Households)

Policy H13: (Residential Areas - Impact upon Character and Amenity)

Policy Q9: Alterations and extensions to residential property.

Policy T1: Highway Safety.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. County Highway Officer- Raises no objections to the application.

INTERNAL CONSULTEE RESPONSES:

16. Design and Conservation- Raises no objections to the proposal subject to conditions.

17. Environmental Health Noise Team- raises no objections

PUBLIC RESPONSES:

18. The application was advertised by means of a Press and Site notice and by letter to neighbouring properties within the area. Two responses were received.

19. City of Durham Trust- Object to the application but note that this is the last house on the street not occupied as a student house in multiple occupation and as such seeking a refusal on this application would be like closing the stable door after the horse has bolted.

20. Durham Constabulary do not object but express concern about the adverse effect a concentration of HMO's can have on a community. They note that they have received numerous complaints about parking by Wynyard Grove residents.

21. The Police also comment that the average HMO tenant tends to be short-term and as a consequence does not have the same commitment to the community. He comments this is particularly the case when the HMO is student accommodation which stands empty for several months a year. He notes that this can lead to a breakdown in community cohesion which leads to an increased demand on Police services.

APPLICANTS STATEMENT:

22. To the best of our knowledge, this is the last C3 dwelling on Wynyard Grove therefore property is unlikely to attract a C3 family household, the lack of garden amenity and adequate family parking would also be factors against its future use as a viable family home. Furthermore the significant modernisation needed to bring it current modern living standards is financially significant. This is therefore in line with the interim policy on student conversions namely: e) *Where the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation.*

23. Given the amount of student properties on Wynyard Grove (23 out of 24) citing Over Studentification seems somewhat a mute point. The interim policy states : *d) Where an area already has such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm* This stated policy is entirely relevant to this application.

24. A simple modification to the proposals to remove the bedroom at ground floor in the rear extensions will reduce the properties to fall back under C4 and thus benefit from the Permitted Development rights. This approach was full tested and discussed with Durham City Planners under previous applications DM/14/03219/FPA, DM/14/03220/FPA, DM/15/00187/FPA and DM/15/00188/FPA. Therefore 4 dwellings already exist on Wynyard Grove with the exact same conversion operated by the same applicant. The actual difference between a PD solution and a COU application is we would argue de-minimis, of little or no significance to the outcome, harm or amenity to local residents.

25. The design of the extension is appropriate in terms of the property itself and the character of the area in accordance with relevant saved policies of the City of Durham Local Plan. The property is well served by public transport and is on a major public transport network route into the city. Residents will be made fully aware that the properties have no parking facilities at all; this fact is advertised in the rental particulars of the dwelling. Use of cycles and public transport will be promoted by the landlord.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

27. Policy H13 of the City of Durham Local Plan states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

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

29. Wider concern over the habitation of property by students raised by the Police and the Durham City Trust is noted, although no comments have been received from nearby residents in relation to these applications. It is also acknowledged that students may have different lifestyles to other residents in the area. The application site currently has a C3 dwelling house use class and is the last C3 use on the street with all the other properties being occupied as C4 houses in multiple occupation or sui generis houses in multiple occupation with more than 6 people living together with communal facilities. Officers' opinion is that the balance on this street has already been lost. Therefore the increase in occupancy of one additional property to a sui generis use would not have any noticeable or tangible detrimental impact on the balance of accommodation in the street scene or existing residents within the street. Yard areas are provided of a standard size reflective of this type of property for external amenity with a kitchen/lounge and dining room providing internal amenity space.

30. On this basis, the principle of the proposals is considered to be acceptable and in accordance with local policies.

Layout and Design

31. The existing single storey extension on the rear elevation is a timber construction and is not a traditional extension to the property. As such the Conservation Officer raises no objection to the loss of this extension.

32. The replacement single storey extension would be comparable to the structure it would replace with only a slight increase in footprint and it would be located in the same position which is appropriate. It would be subservient to the host property and of a simple mono pitched design again reflective of the existing outbuildings in the street. The materials also match the existing property. In wider terms, the rear of the street is visible from the main street frontage along Gilesgate but it is already negatively affected by a number of modern rear extensions which vary in heights, roof forms and materials. These, along with the existing insensitive alterations to the host buildings, combine to generate a highly altered rear historic street scene of limited aesthetic quality. As a result the proposed single storey extension would easily be absorbed into the existing rear built forms without detriment to the character or appearance of the locality. Furthermore, the proposals would satisfy the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by preserving the character and appearance of the Conservation Area.

Residential Amenity

33. The proposal is to alter the existing two bedroom property to a seven bedroom property with communal facilities. It is currently permitted development to alter a C3 house to a C4 house for up to 6 people to live with communal facilities and the applicant has included a supporting statement to explain that if planning permission was refused he would implement this permitted development right. An article 4 direction is currently out for public consultation to restrict the permitted development right to change from a C3 use to a C4 use and this restriction of the use class could be implemented from September 2016. Although the alteration from 2 bedrooms to seven is an increase in five bedrooms this is accommodated internally within the existing host dwelling and a single storey extension. The standard of accommodation provided is similar to that provided in the 4 properties detailed in the planning history on this street and the existing window to window space about dwellings arrangement is not altered. As such residential amenity will not be detrimentally affected in this way. The change from two bedrooms to seven bedroom will lead to more comings and goings from the property. However the dwelling is now located in a street with similar HMO properties and so the level of additional disturbance is likely to be similar to the way adjacent properties are occupied. As such the impact on residential amenity in this location is not considered to be materially different to neighbouring properties.

Highways

34. Whilst there is no on-site parking in association with the property, it is in a location that has excellent access to public transport and within walking distance of the city centre itself. The Highways Section has raised no objections to the application and as such no concerns are raised in this respect.

CONCLUSION

35. In conclusion it is considered that due to the location of this property being on Wynyard Grove where the proportion of student properties on the street is almost 100% that the balance of this street to student properties has been lost. As such it is considered that the introduction of a further student property would not have any noticeable or tangible detrimental impact on the balance of accommodation in the street scene.

36. In relation to the impact upon the designated Conservation Area due to the amount of changes and extensions which have already taken place in the rear yard areas the proposed extension would easily be absorbed into the existing rear built forms without detriment to the character or appearance of the locality.

37. As a result it is considered that the proposed change of use would not adversely impact upon the current levels of amenity enjoyed at the site or upon the designated conservation area and as such it is considered the development is in accordance with National and Local Planning Policy.

RECOMMENDATION

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

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

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

2. The development shall be constructed in strict accordance with the approved plans validated on the 17th December 2015 drawing no. 888-01 and 888-02 existing and proposed plans, elevations and floor plans.

Reason: To ensure a satisfactory standard of development in accordance with Policy H13, E22 and T1 of the City of Durham Local Plan 2004

3. Notwithstanding the submitted details the roof lights shall be conservation style roof lights.

Reason: To ensure a satisfactory standard of development in the Conservation Area in accordance with Policy E22 of the City of Durham Local Plan 2004.

4. Before the development commences full details of the proposed alterations to the windows on the rear elevation and any amendments to the gutters and downpipes shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include details of the materials, design, colour and finish. The windows, gutters and downpipes shall then be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity in the Conservation Area in accordance with Policy E22 of the City of Durham Local Plan 2004.

STATEMENT OF PROACTIVE ENGAGEMENT

38. 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)

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 Notes

City of Durham Local Plan 2004

Statutory, internal and public consultation responses



**Licence no.
100048548**



Planning Services

Change of use and extension from C3 dwelling to 7 bed sui generis student HMO with internal alterations, conversion of loft space and single storey rear extension.

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Comments

Date February 2016

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03945/FPA
FULL APPLICATION DESCRIPTION:	Proposed residential development of 6 No. linked dwelling houses.
NAME OF APPLICANT:	McCarrick Construction Company Ltd.
ADDRESS:	67 Front Street, Pity Me, Durham, DH1 5DE
ELECTORAL DIVISION:	Framwellgate and Newton Hall
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 relates to a parcel of land situated to the north of 67 Front Street in Pity Me. The application site measures approximately 0.1 hectares, with the west section of the site being relatively flat and the east section sloping upwards significantly towards the residential properties at Smithfield. The site was predominantly covered by vegetation however this has recently been removed and the site scraped.
2. To the north of the site is mature tree planting and these trees are protected by Tree Preservation Orders. Immediately to the south of the site is the gable elevation of No. 67 Front Street with the terrace situated beyond. To the west of the site is the A167 highway and the Rotary Way roundabout. The residential properties of Smithfield are located to the east which is situated at a higher level to the level of the application site. Residential apartment blocks are located to the south west.

The Proposal

3. This application seeks planning permission for the erection of 6no. linked dwelling houses. Each property would have lounge and kitchen area at ground floor. Two of the properties are proposing 2 bedrooms and four properties would have 3 bedrooms. The properties would be set back from the road to accommodate 10 parking spaces and bin shelters which would be located to the front of the properties. The rear of the properties are to be graded into three levels with patios at ground level and steps leading up to a grassed garden level. The third level will be a communal area Access to the site would be taken from Front Street and the proposals would include the extension of the highway from Front Street along the site frontage.

4. This application is being referred to the planning committee at the request of the Parish Council.

PLANNING HISTORY

5. Planning permission was approved in February 2002 for the erection of a single dwelling on the site (ref: 4/11/00776/FPA)
6. Planning permission was also approved in July 2013 for the erection of 5no. new dwellings. (ref: 4/13/00308/FPA)
7. Planning permission was refused in September 2015 for the erection of 6no. linked dwelling houses at a Planning Committee contrary to Officer recommendation. (ref: DM/15/01812/FPA) This application was refused for the following reasons:
 1. The proximity of the development would be likely to have a detrimental impact on the adjacent 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 fails to provide for residents to adequately access to rear gardens and would also result in an unsatisfactory relationship to the protected tree thereby having an adverse impact on the amenity of occupiers contrary to Policies Q1, Q2 and Q8 of the City of Durham Local Plan 2004.

An appeal is currently pending on this refusal decision.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. *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

18. *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.

19. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
20. *Policy H2 (New Housing Development within Durham City)* sets out criteria outlining the limited circumstances, in which new housing within Durham City will be permitted, this being primarily appropriate on previously developed land and through conversions.
21. *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.
22. *Policy H14 (Improving & Creating More Attractive Residential Areas)* seeks to improve the environment of existing residential areas and their housing stock.
23. *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.
24. *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.
25. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
26. 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.
27. *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.
28. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

29. 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 at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *County Highways Authority* has not raised any objections to the proposed development. The proposed parking provision would meet the minimum parking standards for the proposed dwellings. The developer would have to enter into an agreement under Section 278 of the Highways Act to permit construction of the access road and footway.
31. *Northumbrian Water* has not raised any objections to the proposed development subject to a condition for the details of foul and surface water discharge to be submitted.
32. *The Coal Authority* has not raised any objections to the proposed development.

INTERNAL CONSULTEE RESPONSES:

33. *Ecologist* has not raised any objections to the scheme.
34. *Landscape Team* indicated on the previous scheme that the development would not have an effect on the natural life expectancy of the tree.
35. *Tree Officer* has not raised any objections to the scheme.
36. *Drainage Officer* has not raised any objections to the scheme.
37. *Sustainability Officer* has not raised any objections and has indicated that the applicant should seek to minimise energy from construction whilst also considering renewable/low carbon technologies.

PUBLIC RESPONSES:

38. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. The Parish Council have requested the application be determined at a planning committee as they have raised objections in terms of over development, lack of parking and no storage bins.

APPLICANTS STATEMENT:

39. The site currently has planning permission for 5 townhouses (both 4 and 5 bedrooms) however our development is for 6 terraced houses (4 no. 3 bedrooms and 2 no. 2 bedrooms) over the same footprint. Our market research has shown that there will be a greater demand for the smaller, more affordable, starter homes. The smaller development will also compliment the surroundings more as the ridge line is lowered for the smaller houses and the parking requirements reduced as six “2/3 bedroom” houses will have fewer occupants than five “4/5 bedroom” houses.
40. They will be built using all locally employed trades’ people, by McCarrick Construction, an established living wage employer. McCarrick Construction currently employ 4 local apprentices (2015 intake) and plan to employ 2 additional apprentices / NEETS in conjunction with Durham Education Business Partnership when this development is approved. The properties will then be marketed using the government backed “Help to Buy” scheme in order to further stimulate the local housing market.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

42. It is noted that planning permission has been granted on this parcel of land as recently as 2013 and this permission is still extant and the development can be constructed. The committee report for the 2013 application stated the following in respect of the principle of development:
43. *The application site is located within the settlement limits for Durham City as identified by the City of Durham Local Plan 2004 proposals map. The site represents undeveloped land, which is located within a primarily residential area. Durham City is identified as an area where development will be directed to under local plan policy H2 ‘New Housing in Durham City’ provided the development would not be in conflict with other local plan policies or any other designations. It is considered that the proposed development would be in accordance with policy H2 of the City of Durham Local Plan 2004. The proposals conformity with other relevant local plan policy is discussed below.*
44. *National Planning Policy guidance contained within the NPPF applies a presumption in favour of securing sustainable development. Sustainable housing development is created by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services. The application site is located approximately 2 miles from the amenities of Durham City Centre. The area is also serviced by good public transport links.’*

45. There has been no major change in local or national policy in terms of directing housing development to sustainable locations since the previous application was approved in 2013. It is therefore considered that the above assessment is considered relevant in the determination of this planning application. The proposed development is considered to be acceptable in principle as the houses would be located within the settlement boundaries of Durham City and would be sustainably located in relation to good access to shops service, public facilities and public transport links. The proposal would be in accordance with policy H2 of the local plan and guidance within the NPPF.

Residential amenity

46. The main windows in the proposed development would be in the front and rear elevations. The front windows would look over the roundabout and there would be no loss of privacy to neighbouring dwellings in this direction. The windows in the rear of the proposed properties would overlook the proposed garden areas. The residential properties of Smithfield are located beyond the gardens however these properties are located at a much higher level than the proposed site which would ensure there would be no loss of privacy. There are no windows in the gable elevation of No. 67 Front Street and therefore it is not considered that this property would be adversely impacted in terms of loss of privacy. Each property would have a rear garden which would be split over two levels given the topography of the site. These gardens are considered useable and would be adequate amenity space for future residents of the properties. Bin stores have also been provided to the front of each property ensuring that refuse from the properties is adequately dealt with.

47. The proposed development would also be subject to Building Regulation Approval which would ensure that the proposed properties can be accessed adequately by all users. The proposal would therefore be in accordance with policies Q1 and Q2 of the local plan.

48. The previous planning application for 6no. linked properties was refused for two reasons. One of these reasons was that the layout and design of the development failed to provide adequate access to the rear gardens. The developer has overcome this issue by providing a communal area to the rear which allows access to rear of each property.

49. It is considered that the proposed development would not have an adverse impact on residential amenities of existing and future occupiers of neighbouring dwellings and the proposed properties. The development would therefore be in accordance with policy Q8 of the local plan.

50. To safeguard the residential amenity of the existing properties and the proposed properties in the future it is considered prudent to remove permitted development rights for extensions. A condition is recommended accordingly. Part 6 of the NPPF emphasises the need to deliver inclusive and mixed communities, therefore it is considered that in order to prevent overconcentration of houses in multiple occupation a condition is recommended which restricts the use of the properties to C3 use (dwelling house) only.

Visual impact on surrounding area

51. The site does not fall within a conservation area and it has no specific heritage significance, nor is it within the setting of any heritage asset. That being said, the site is within a prominent location being highly visible from the busy A167 and Rotary roundabout.

52. The surrounding area has a mixture of different house types with modern houses located on Smithfield, traditional Victorian terrace properties to the south of the site and modern apartment blocks located to the south west. The layout of the scheme would reflect the character and form of the terraced properties, and would appear as an extension to the existing terrace. The proposed dwellings are of two storey design and would be constructed from Ibstock Birtley Olde English and Drumquin brickwork, Marley Edgemere smooth grey roof tiles with white upvc windows and doors. Canopy features are proposed above the front doors of the properties. The proposed driveways would be constructed from tarmac with the entrance paths being Beamish Flat block paving.
53. The proposed properties are of a simple design which would relate to the existing terraced properties in the area. The proposed materials would be acceptable and would not appear out of keeping in the area. It is considered that the design, scale, materials and appearance of the proposed properties would be appropriate and acceptable in this location.
54. There are some trees located to the north of the site which are protected by Tree Preservation Orders. A tree constraints and landscape plan has been submitted with the application along with a retaining wall construction plan to show how the proposed development would not adversely impact upon the protected trees. On the previous application the Council's Landscape and Tree Officer originally had concerns regarding the impact the development may have on the protected trees. Following submission of further landscape information and the retaining wall construction plan the Landscape and Tree Officers have indicated that they cannot raise any objections to the scheme.
55. One of the protected trees does overhang the application. The details submitted with the application indicate that the proposed buildings would utilise sheet piling construction which will be carried out from within the site and protective tree fencing would be erected. The second reason for refusal on the previous application was that the proximity of the development would likely have a detrimental impact on the adjacent protected tree. The footprint of the 6no. linked properties has been reduced so it has the same footprint as the scheme which was approved for 5no. houses on the site. The proposed development would therefore not encroach any further towards the protected trees than the previously approved planning application. It is therefore considered that the proposed development would not have an adverse impact on the nearby protected trees.
56. Bin stores are proposed to be located to the front of the proposed properties. Details have been submitted indicating that the bin stores are to be constructed from timber fencing. Given the prominent location of the site it is considered that timber bin stores are unsuitable and would be visually unattractive within the street scene. In this location it would be more appropriate that the bin stores are constructed from the same materials as the properties. A condition is recommended for details of the bin stores to be submitted and agreed by Officers prior to works commencing on site.
57. Overall, it is considered that the proposed development would not have an adverse impact on the visual amenity of the surrounding area and would not compromise the protected trees adjacent to the site. The proposal would be in accordance with policies H13, H14 and E14 of the local plan.

Highway issues

58. Policy T1 of the City of Durham Local Plan states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
59. The development would be served by via the existing adopted road on Front Street and would include extending the road further along the front of the site. 10 parking spaces are proposed as part of the development which meets the minimum requirements set out in the Councils parking standards. Durham County Highways Officers have not raised any objections to the proposed scheme. A suitable informative is recommended to ensure the construction of the new road is done to a suitable standard. A resident has previously raised concerns regarding parking and problems with refuse collection and also problems during the winter of the road incline. It is not considered that any of these issues are sufficient to warrant refusal of the application.
60. The proposed development would not create any adverse impacts in terms of highway safety. Sufficient parking provision is provided. The proposed development would be in accordance with policies T1 and T10 of the local plan.

Other issues

61. Northumbrian Water has not raised any objections to the proposed development. A condition is requested to ensure that the disposal of surface and foul water from the site is adequately dealt with. A condition is recommended accordingly. It is not considered that the proposed development would have any adverse impacts in terms of drainage and would comply with policy U8a of the local plan.
62. The County Ecologist has been consulted on the proposed development and no objections have been raised. It is considered that the proposed development would not have an adverse impact on protected species or their habitats and would be in accordance with policy E16 of the local plan.
63. The Council's Sustainability Officer has provided some advice to the developer in terms of minimising energy from construction whilst also considering renewable/low carbon technologies. Building regulations will also require the proposed properties to achieve a satisfactory level of energy efficiency. It is considered that the proposed development would comply with policy U14 of the local plan.

CONCLUSION

64. There is an extant planning permission on this site for residential development; therefore the principle of development has previously been established. The site is located within the settlement boundaries of Durham and the site is considered to be sustainably located within close walking distance to shops, services and public facilities, including public transport links. The proposal is therefore acceptable in principle and would meet the key aims of sustainable development in accordance with policy H2 of the City of Durham Local Plan and the NPPF.

65. Adequate levels of separation distance would be met with adjacent neighbouring properties and sufficient levels of useable garden areas would be provided for each property. A communal area is proposed to the rear of the gardens which will provide access to the rear of each property. The proposed development would not have an adverse impact on residential amenities of existing and future occupiers of neighbouring dwellings and the proposed properties. The development would therefore be in accordance with policy Q8 of the City of Durham Local Plan
66. The proposed development would be of a good quality design and would contribute to the housing mix in the area. The proposals would not appear out of keeping with the existing built form within the surrounding area. Trees protected by Tree Preservation Orders next to the site would not be compromised as a result of the proposed development. The proposed development would not encroach any closer to the protected tree than the previously approved scheme for 5no. properties. The proposal would be in accordance with policies H13, H14 and E14 of the City of Durham Local Plan.
67. Adequate levels of parking provision would be required. The proposed access to the site is acceptable via the existing adopted road of Front Street. Durham County Highway Officers have not raised any objections and it is considered that highways safety would not be compromised. The proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
	Location Plan	23/12/2015
8350/02E	Proposed Site Layout	23/12/2015
2010/PA/01F	Tree Constraints and Landscape Proposals Plan	06/01/2016
8350/03C	Proposed Ground Floor and First Floor Plans	23/12/2015
8350/04C	Proposed Elevations and Roof Plan	23/12/2015
8350/101B	Proposed Retaining Wall Construction Schedule of Materials	23/12/2015 29/01/2016

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

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

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

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 development falling within Class(es) A, B, C, D and E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the residential amenity and to comply with Policy H13 of the City of Durham Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) no change of use of the hereby approved residential accommodation from use class C3 (dwelling houses) to use class C4 (houses in multiple occupation) shall be carried out.

Reason: In order that the local planning authority may exercise further control to prevent overconcentration of houses in multiple occupation having regard to the need to deliver inclusive and mixed communities as identified in Part 6 of the National Planning Policy Framework.

6. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.

Reason: In the interests of the visual amenity of the area and to comply with policy E14 of the City of Durham Local Plan.

7. Notwithstanding the details submitted with the application, no development shall take place until details of the proposed bin stores have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

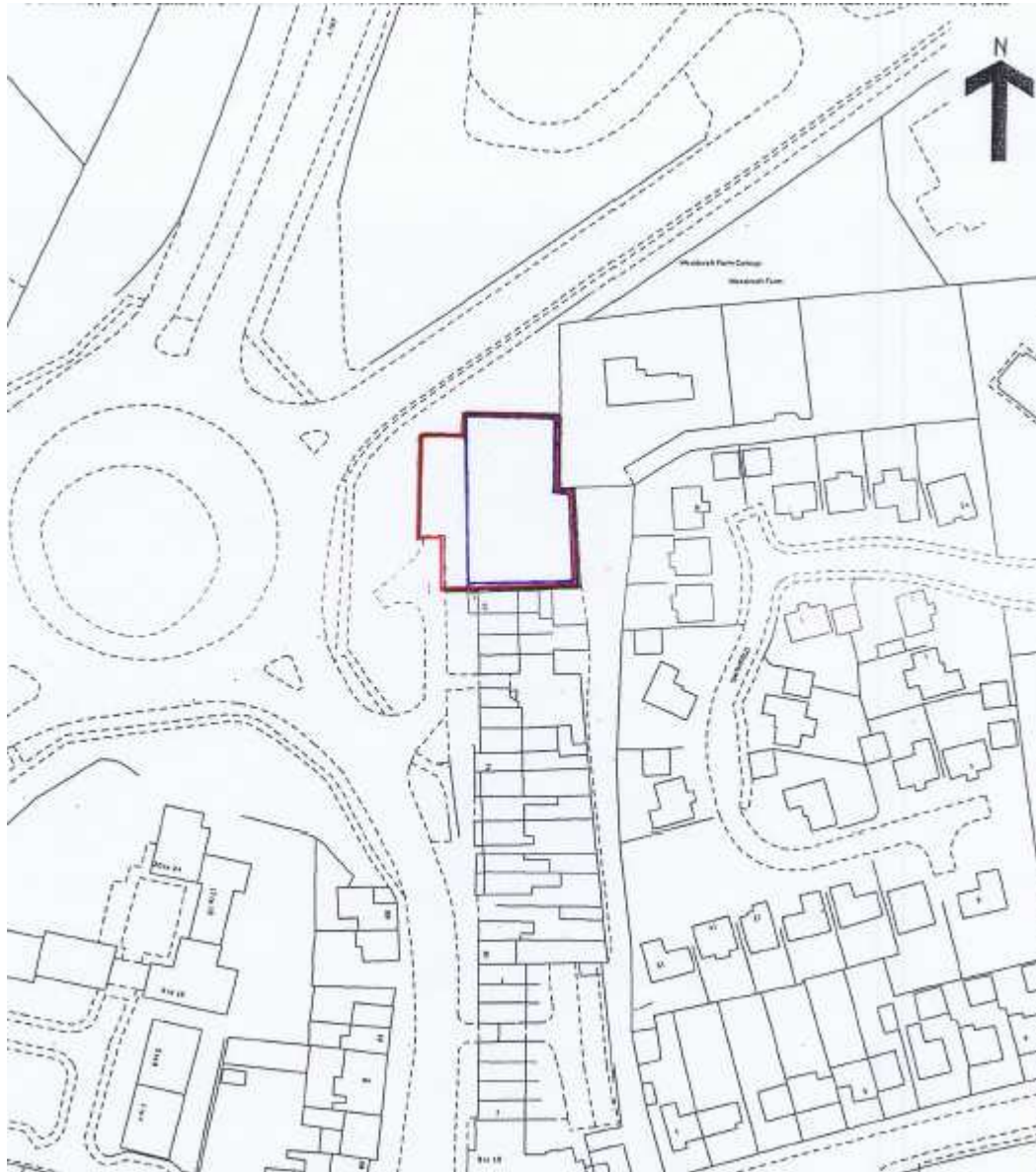
Reason: In the interests of the visual amenity of the surrounding area and in accordance with Policy H13 of the City of Durham Local Plan 2004.

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

Proposed residential development of 6 No. linked dwelling houses at land to the north 67 Front Street, Pity Me, Durham, DH1 5DE Ref: DM/15/03945/FPA

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Date
9th February 2016