



Area Planning Committee (Central and East)

Date Tuesday 8 March 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 9 February 2016 (Pages 1 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/15/02276/FPA - Angerstein Court, Broomside Lane, Carrville, DH1 2QD (Pages 15 - 24)
Conversion of an Existing Cycle and Management Store into Studio Apartment and Associated Works.
 - b) DM/15/03141/FPA - Brancepeth Manor Farm, Brandon Lane, West Brandon (Pages 25 - 40)
Construction of 22no. holiday lodges with associated infrastructure and landscaping.
 - c) DM/15/03694/FPA - 26 Church Street Head, Durham, DH1 3DN (Pages 41 - 50)
Increase width of first floor extension to rear and internal alterations to create additional bedroom.
 - d) DM/16/00026/FPA - 107A High Street, Carville, Durham, DH1 1BQ (Pages 51 - 60)
Change of use from B2 catering business to a restaurant/cafe A3.
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
29 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 the **Council Chamber, County Hall, Durham** on **Tuesday 9 February 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, S Iveson, J Lethbridge, B Moir, S Morrison (substitute for A Laing) and J Robinson

Also Present:

Councillor Grenville Holland and Councillor Amanda Hopgood

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, D Freeman, C Kay, R Lumsdon and K Shaw.

2 Substitute Members

Councillor S Morrison substituted for Councillor A Laing.

3 Minutes

The Minutes of the meeting held 12 January 2016 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/15/03700/FPA - Durham Companions Club, Ainsley Street, Durham, DH1 4BJ

The Senior Planning Officer, Chris Baxter 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 within the Durham (City Centre) Conservation Area. The application was for conversion and extension of former Companions Club to provide building 9 no. residential flats, associated ancillary facilities and parking and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal and statutory consultees, however, there had been objections from local residents, the City of Durham Trust, and a late representation had been received from the local MP, Dr Roberta Blackman-Woods in terms of strengthening conditions to prevent the property being let to students, to give an opportunity for permanent residents to live in the area.

The Senior Planning Officer noted that the application represented redevelopment of a brownfield site, with a neutral impact on the conservation area. It was added that there was an issue of some overbearing at the south side of the site, adjacent to No.5 Mowbray Street, however, there were examples of similar relationships with other buildings in the area and it was felt on balance that the impact on no.5 Mowbray Street did not outweigh the benefits brought by the application. The Senior Planning Officer concluded by noting that Officers from the Highways Section were satisfied that there was sufficient parking and had raised no issues.

The Chairman asked the Local Member for Neville's Cross, Councillor G Holland to speak in relation to the Application.

Councillor G Holland thanked the Chairman and addressed the Committee noting for clarity that developers had consulted with both of the Local Members, himself and Councillor N Martin, as well as the immediate residents before submitting their application. Councillor G Holland explained that in principle they approved of the proposals and did not wish to stand in their way, adding that an unsightly corner of the city centre would benefit from being refreshed. Councillor G Holland noted however that there were a few matters of concern that he wished to raise at Committee. Councillor G Holland asked whether we could be sure that during the proposed construction, residents of Waddington Street, the Bowers, Kings Lodge Hotel and all adjacent the application site would not suffer the same sort of disruption that occurred when a nearby student hostel and Gentoo development were under construction 2 years ago, a nightmare for those that lived locally.

Councillor G Holland referred Members to Condition 6 of the application and noted that the proposed development was classed as C3. Councillor G Holland asked should the emerging Article 4 Directive not be put into effect, what would stop the development becoming a House of Multiple Occupation (HMO) by stealth or by having the condition removed in a few years' time. Councillor G Holland noted that another item on the agenda referred to a proposal for a 2 bedroom property to be converted to a HMO and commented that such conversions and Members' inability to stop them had bedevilled the city for far too long.

Councillor G Holland added that there was local concern as regards the site being over-massed to the detriment of the adjacent properties, especially in Mowbray Street and Waddington Street. It was added that the proximity of the building was also a concern though Councillor G Holland noted that J Levitas, a local resident, was also in attendance to speak and would no doubt discuss that matter in greater detail. Councillor G Holland explained to the Committee that another important issue was that of the communal garden used by residents, and asked whether the garden could be protected or enhanced by the developers, working with residents.

Councillor G Holland reiterated that developments such as this one, although welcome, must not be to the disadvantage of those who already live in the vicinity and enjoy its setting.

Councillor G Holland asked Members to consider an added dimension to the application that of the adjacent Elliot's site. It was noted that the Elliot's site was not for determination by Committee at this meeting; however, Councillor G Holland noted the same developer intended to build further flats on the Elliot's site and he believed that construction would be at the same time as the proposed development for the Durham Companions Club site. Councillor G Holland noted that those Members that had been Councillors at the former City of Durham Council in 2004, including the Chairman of the Committee, would recall an application for the Elliot's site that had looked to develop a large residential building for the use of care of disabled people in the community, with the outline of that proposed building having been included on one of the slides used by the Planning Officer in his presentation. Councillor G Holland noted that in 2004, the City of Durham's planning committee rejected the application for a care facility; however this was subsequently overturned on appeal in 2005. Councillor G Holland noted that after a preliminary examination of the Elliot's site by the developer, the project was abandoned as: the water saturated sands encountered posed a significant problem; and the social care market at that point no longer offered the same opportunities.

Councillor G Holland noted that following the Appeal for the Elliot's site, the developers were given 3 years to begin building works and as they did not, then presumably the permission would have lapsed in 2008. Councillor G Holland added that as a consequence of the financial downturn in 2008 the then Government, and subsequent coalition Government, had allowed some flexibility on these deadlines, however an extension would require an application and Councillor G Holland was not aware of any such application having been made in respect of the Elliot's site.

Councillor G Holland explained that 3 years ago, Nick Boles, the Planning Minister closed the opportunity for such extensions and Councillor G Holland noted he had read the analysis by Eversheds; a similar analysis from BLP – Berwin Leighton Paisner; as well guidance from the Planning Inspectorate and from that information Councillor G Holland judged that the stalled permission for the Elliot's site had long since failed the deadlines and was not extant. Councillor G Holland noted that therefore, he felt that within the application being considered at Committee there was concealed a presumption of an extant permission for a simultaneous development on the Elliot's site, rejected in 2004, albeit reversed in 2005. Councillor G Holland noted that as the Committee was the consenting body, he did not think the two developments should be separated by this device.

Councillor G Holland noted that an additional problem, which was discovered by the original developers, was the water saturated sands that lie at the foot of Flass Vale. Councillor G Holland explained that he thought that Members should be told about the impact of loading these sands with large compressive forces introduced by the proposed, but as yet unconsidered and maybe never to be considered building. Councillor G Holland asked whether adjacent properties would be secured from flooding or permeating water damage, adding that the land in question was tricky and the potential for lateral damage, of which there was a history, must not be shrugged off. Councillor G Holland asked what the relevant engineering geologists' analysis would say and where was such analysis. Councillor G Holland noted that he felt that the right place to consider the Elliot's development was separately at this Committee, and not via the presumption of a supposed extant application from 12 years ago.

Councillor G Holland concluded by noting the recommendation within the report mentioned a s106 legal agreement and he and Councillor N Martin supported the suggestion made by the City of Durham Trust, to restore the narrow ancient Flass Lane with such monies, rather than being consumed in some general community pot.

The Chairman thanked the Local Member and introduced Ms J Levitas, a local resident, to speak in relation application, having 5 minutes to address the Committee.

Ms J Levitas thanked the Chairman and addressed the Committee noting that development of the site itself was welcomed, the developers had consulted with residents as regards their proposals, and the demolition of the dilapidated garage was an appreciated act of good will on the part of the developer. Ms J Levitas noted 3 issues in connection with the application, firstly that the high rear wall of the proposed development would be over 5 metres high and would be far too close to an adjoining property, namely No.5 Mowbray Street. It was added that the Case Officer had stated that there were similar examples elsewhere in Durham; however, Ms J Levitas asked where these examples were within the city. Ms J Levitas added that planning regulations were updated over time and felt that in this case the situation was such, with the loss of light and amenity, that if the application could not be refused then it should at least be amended to incorporate a design that was more suitable.

Ms J Levitas noted the second issue she wished to raise was that of the rear of the building. Ms J Levitas noted that the report cited the National Planning Policy Framework (NPPF) and that the site was within the Durham City Conservation Area. Ms J Levitas explained that she felt that the design was not of the high standard as required by these policies and the use of the adjoining communal garden would be affected, with the proposed rear wall having the appearance “of a prison wall” being blank with no windows. Ms J Levitas noted there had been a promise from the architects as regards a revised drawing for this; however, Ms J Levitas had not had sight of any such revision.

Ms J Levitas explained that this led on to the third issue, that of the shared communal garden. Ms J Levitas noted she felt that as the area would be utilised during the construction, should the proposal be approved, and there would be damage such to effectively trash the garden. Ms J Levitas noted that the developer had stated they would reinstate the garden subsequent to works being completed; however, Ms J Levitas asked whether this would mean the garden would be lost as an amenity for local residents for an extended period, approximately a year. Ms J Levitas noted nothing within the application or planning law that would protect the garden or a requirement to reinstate once works were completed and asked whether there was a reliance on the good will of the developer to undertake such reinstatement. Ms J Levitas noted that over several years she had spent time and money to maintain the communal garden for the benefit of local residents and felt the garden needed to be protected and respected.

Ms J Levitas concluded by reiterating the point made by Councillor G Holland as regards the extant permission for the adjacent site, adding that that particular site had been vacant for around 10-11 years.

The Chairman thanked the Ms J Levitas and introduced Mr D Smith, agent for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr D Smith thanked the Committee and noted that the Planning Officer’s report showed that the submitted application was recommended for approval and was in compliance with planning legislation and policy. Mr D Smith noted that the application was for Class C3, residential properties, adding that all could agree that there was a need for more private homes within the city. Mr D Smith added that there was a condition within the application that prevented a change of use to Class C4, a HMO. Mr D Smith explained that the demands of the local market were for 2 bedroom town houses, in line with the Gentoo development, and there had been amendments to the rear elevation following feedback from residents. Mr D Smith added that as regards the roof line and the site being within a conservation area, Local Members had been consulted and the sympathetic design was in line with other properties as noted by Planning and Conservation Officers. Mr D Smith noted that that the Elliot Yard site was a separate matter and was not required in terms of taking this application forward. Mr D Smith added that he was surprised that this application was at Committee for determination as it was in line with planning policy and concluded by noting the demolition of the garage as a gesture of good will and that the application would bring a brownfield site back into use with 9 C3 residential properties.

The Chairman thanked the Speakers and asked the Senior Planning Officer to address the points made by the Speakers.

The Senior Planning Officer noted the concerns as regards disturbance during the construction period, with Condition 3 setting out the requirement for a Construction Management Plan, and Condition 8 setting out the hours when works could be undertaken, a standard condition for these types of works. It was added that Condition 6 set out the position in terms of no change of use to a HMO, with any proposed change requiring a further planning application. The Senior Planning Officer noted that the Elliot's Yard application was a separate application and that the elevation shown during the presentation included the elevation of the Elliot Yard application, as agreed by the Planning Inspectorate in 2005, for Members' information.

The Solicitor - Planning and Development, Neil Carter noted the suggestion that the developer should make a financial contribution to improvements for Flass Lane and reminded Members that there a number of legal tests which must be satisfied before S106 money could be required in particular, it must be necessary to make the development acceptable. The Solicitor – Planning and Development added that he could see no evidence as regards any impact the development would have on Flass Lane and therefore no connection in this regard. In terms of the communal garden, there was nothing in planning law in terms of protections afforded; however, private law would cover the issue.

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

Councillor P Conway asked what the legal status was as regards the application for the Elliot's Site as from the elevations seen today it appeared as if there would be contiguous run from that site into the former Companions Club site. Councillor P Conway noted the concerns mentioned as regards massing at the rear of the development and asked whether it was possible to modify this design without internal adjustments to the development. Councillor J Robinson noted that the developer had made a promise, at a public meeting, in terms of reinstatement of the communal garden however, asked whether there was any protection for the nearby Grade II listed Redhill's Miners Hall, in terms of the vegetation described in the report as offering shield between the sites.

The Solicitor – Planning and Development noted that while the current position in terms of the Elliot's Site could not be confirmed at this time, the opinion of the Case Officer was that Elliot's site did not impact upon the acceptability of the scheme as set out in the application being considered by the Committee. The Senior Planning Officer noted that in terms of the Redhill's Miners Hall, consultation with the Design and Conservation Officer had noted that it was not felt that the application would have an impact upon Redhill's and that the trees and vegetation fell outside of this application site and therefore would not be affected.

Councillor B Moir noted at Paragraph 64 of the report it stated that the distance at the south east corner of the proposed building would only 5 metres away from No.5 Mowbray Street and asked what the usual recommended separation distance was for a development of this nature. Councillor B Moir also asked to view the other elevations, the north and south faces for comparison. The Senior Planning Officer noted those were not part of the slideshow presentation, however hardcopies were available for Members to view. It was added that due to the nature of the design, the elevations “wrapped around the site” as the walls varied in angle. The Senior Planning Officer added that should there be alterations to the rear elevation this would result in a loss of internal space.

Councillor J Clark explained that during the visit to the site the tranquillity of the communal garden was noted and the overall quality of the garden was very impressive. Councillor J Clark asked whether there could be assurances that the integrity of the site could be preserved in the context of deliveries of materials and works at the site. Councillor J Clark noted that Paragraph 73 of the report stated that as there was less than 10 units being created there was no requirement in terms of contribution towards public art, however within the conditions as set out in the report stated that there would be a contribution via a s106 legal agreement and therefore asked which was correct.

The Senior Planning Officer noted that in terms of a s106 contribution, Paragraph 73 was correct and the addition of this within the recommendation was a typographical error.

Councillor M Davinson asked as regards car parking for an adjacent business, noted that the business had parking provision within their lease that could be affected by construction at this site.

Councillor J Lethbridge noted that he had felt the communal garden was “an oasis of calm” when on site and noted this was to the credit of Ms J Levitas. Councillor J Lethbridge added that this was in stark contrast to some fly-tipped materials behind the wooden frontage of the site and noted therefore development at the site would be welcomed. Councillor J Lethbridge noted three points for consideration; what impact the water saturated sands may have; the need to balance the relatively close distance of the rear elevation to No.5 Mowbray Street against improvement to the site once completed; and due to the close proximity of Flass Vale, could the improvements as described by the City of Durham Trust and Councillor G Holland not be possible.

The Senior Planning Officer explained that of 10 parking pays, 4 were allocated for the nearby business and the Highways Section had been satisfied in this regard with the Construction Management Plan setting out how parking would be dealt with during construction.

Councillor K Dearden noted that as there were less than 10 units there was no requirement in terms of a s106 contribution, however, asked whether in the context of the adjacent Elliot’s site, was there scope to consider the total number of units in order to secure s106 monies.

The Chairman noted it was laudable that Members of the Committee and Local Members would look for ways to secure contributions from developers for our communities; however, the application for consideration by the Committee was separate from the Elliot's site.

Councillor P Conway noted he concurred with the comments of Councillor J Lethbridge and that on balance the application would improve the site, adding that having looked at the whole area in terms of this application including the Elliot's site he felt somewhat uncomfortable in not being able to consider them together.

Councillor J Lethbridge moved that the application be approved; he was seconded by Councillor P Conway.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and a correction to remove reference to a s106 contribution in terms of public art.

b DM/15/03463/FPA - Oaklea School Clinic, Salters Lane, Wingate

The Planning Officer, Susan Hyde 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 demolition of the existing NHS clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan) and was recommended for approval subject to conditions.

The Committee noted that the application had been brought to Committee at the request of Councillor L Taylor, Local Member, as regards issues of the open space adjoining the site, with several trees on that area having Tree Preservation Orders (TPOs) in place. It was noted that subsequent to an amended plan being submitted, Councillor L Taylor and Wingate Parish Council had withdrawn their objections to the application. The Planning Officer added that residents' concerns had also included the issue of loss of amenity and parking access. It was noted that the applicant had offered to gift the open space for retention by the Council as amenity land and that therefore the Committee would be mindful to agree, subject to a legal agreement for the transfer of this land. Members also noted an addition condition in terms of no works being undertaken to demolish the existing clinic until a bat mitigation survey had been completed.

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

Councillor B Moir noted he was delighted in terms of an application with parking provision incorporated in the design, together with the offer to gift the open space to the Local Authority.

Councillor B Moir moved that the application be approved; he was seconded by Councillor G Bleasdale.

RESOLVED

That the application be **MINDED TO BE APPROVED** subject to the conditions detailed in the Officer's report to the Committee, a legal agreement in terms of transfer of the amenity land to the Council, and an addition condition:

No development or demolition shall take place unless in strict accordance with the mitigation detailed in the bat risk report by V Howard.

Reason: To conserve protected species and their habitat in accordance with Policy 18 of the District of Easington Local Plan 2001.

c DM/15/03887/FPA - 17 Wynyard Grove, Gilesgate, Durham, DH1 2QJ

The Planning Officer, Susan Hyde 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 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 and was recommended for approval subject to conditions.

The Committee noted that the application had been brought to Committee at the request of Local Members, Councillor P Conway and Councillor B Moir for the reasons of the size of the expansion of the property and as two other properties in the street had similar applications agreed recently.

Members noted that there had been no objections raised by statutory or internal consultees; however the City of Durham Trust did note that objecting to this application, being the last house on the street not in student use would be "like closing the stable door after the horse had bolted". It was added that Durham Constabulary had noted concerns as regards the impact of HMO in terms of parking and also community cohesion.

The Chairman noted there were no registered Speakers, however, asked if the Local Members, who were Members of the Committee, wished to speak before wider questions and comments on the application.

Councillor B Moir noted he had requested the application be brought to Committee in order to highlight the plight of this side of Durham and the density of students within this postcode area. Councillor B Moir noted the "last in the street" comments of the City of Durham Trust and asked whether the Local Planning Authority was in the business of creating student ghettos, adding that families would likely wish to move to the area if all the properties were not HMO.

Councillor B Moir added that there was a large student development at the site of the former Durham Light Infantry Public House and therefore asked what density of students there was in this postcode. Councillor B Moir noted that if the two sites were separated by an Electoral Division boundary, citing this as a mitigating factor in terms of density would be spurious, adding he felt there was an unacceptable density of student population.

Councillor P Conway noted he agreed with the comments of his fellow Local Member, Councillor B Moir and added that the comments made by Durham Constabulary were very perceptive as he, along with the other Local Members Councillor K Corrigan and Councillor B Moir, had received numerous comments from local residents as regards the issue of displaced parking. Councillor P Conway added that Paragraph 32 of the report noted insensitive rear extensions to other buildings in the area that implied that over time there was negative impact from those applications. Councillor P Conway added that there had been no objections from the Highways Section in terms of parking, citing excellent public transport links and close proximity to the city centre, however, there was impact in terms of the displaced parking as previously mentioned, including on nearby purpose built homes for retired people and in terms of emergency vehicles struggling to negotiate the parked cars in this area. Councillor P Conway noted with the number of bedrooms being proposed in this application and the density of HMO properties at Wynyard Grove and asked whether this was a return to the tenements of 1930s Durham. Councillor P Conway noted the comments of the City of Durham Trust and highlighted that an Article 4 Direction would hopefully soon be enshrined to enable Members to “close the stable door”.

The Chairman noted the strength of feeling from the Local Members on this matter, however, asked should Members wish to recommend refusal in contrast to the professional Officer’s recommendation that this be made in terms of planning policy. The Chairman asked if the Planning Officer could respond to the comments and questions from the Local Members.

The Planning Officer noted that several properties were student properties, however, as they were less than 6 bedrooms, they did not constitute a HMO and should Members be minded to refuse the application, there was a possibility that the application may choose to develop in a similar manner. In terms of the Article 4 Direction, the Planning Officer noted that this would be for public consultation initially; however there would be stipulations in terms of student densities of 10% per postcode. It was added that historically there would be a number of postcodes with 80% - 90% student densities and therefore if some of those remaining residents wished to move out of what had effectively become a student area, was there not a case in terms of protecting the rights of those individuals in being able to do so.

Councillor J Robinson noted that planning applications needed to demonstrate sustainability and given the thousands of student flats within Durham and not enough students to fill them, what community was going to be left without any people to occupy these properties.

Councillor J Robinson noted he was horrified to see an application for 7 bedrooms in what was a 2 bedroom house and asked was there not issues in terms of fire safety having 2 bedrooms contained within the loft space. The Chairman noted the concerns raised and the good intentions in terms of safety; however felt that the safety issues would be an issue for Building Control.

Councillor B Moir proposed that the application be refused on the grounds of Local Plan Policy H9, HMOs and Policy H13, impact on character and local amenity.

The Solicitor – Planning and Development noted that it needed to be clear which aspects of those policies the application was in conflict with. Members were reminded of the possibility of the undertaking a 6 bedroom scheme under existing permitted development rights, and that at any potential appeal of a refusal decision, the additional harm of 7 bedrooms in comparison to the 6, which would be permitted development, would likely be questioned.

Councillor M Davinson recalled cycle parking in lieu of car parking for other student developments and asked whether this was appropriate for this application.

Councillor J Clark noted that reasons to support refusal could include conflict with: NPPF Part 7 – requiring good design as the application did not seem to have any communal space and only 2 bathrooms for 7 people; and NPPF Part 12 – conserving and enhancing the historic environment.

Councillor J Lethbridge noted some sympathy with the Local Members and also with the concerns raised by Councillor J Robinson. Councillor J Lethbridge noted the comments of Durham Constabulary adding that in his experience when the Police felt the need to comment it was worth consideration. Councillor J Lethbridge expressed his concern as regards the disturbing and inexorable advancement of HMOs and added that it was important how Members were able to express their concern that our society, in parts, was being put at risk. Councillor J Lethbridge noted that Members could look to conflict between the application and the policies as stated by Councillors B Moir and J Clark, adding that there was no slight on the Planning Officer, however, he felt Members would be at fault if they did not express their concerns in this regard.

Councillor K Dearden noted she did not believe in the sustainability of the further creation of student HMOs in Durham adding that there must be similar situations in other cities and therefore could there not be scope to bring some pressure in terms of legislative change, and in the context of devolution for the region.

Councillor J Robinson agreed in terms of Councillor J Clark's comments that there was conflict with NPPF Part 7, as he felt the design was not good in terms of fire safety. Councillor B Moir also agreed with Councillor J Clark and therefore cited this as another reason for recommending refusal, adding that in terms of Local Plan Policy H13, it would be the greater impact on the amenity of Gilesgate, not just Wynyard Grove.

Councillor G Bleasdale noted her support of the comments made by the other Committee Members, adding that she believed that there were many student properties that were not occupied or not at full capacity and therefore such additional student properties were not needed.

The Solicitor – Planning and Development noted the reasons as cited by Councillor B Moir in terms of Policies H9, H13 and NPPF Part 7 as being reasonable, however he was not satisfied with the reason of fire safety as that issue was controlled outside of the planning system.

Councillor B Moir moved that the application be refused; he was seconded by Councillor P Conway.

RESOLVED

That the application be **REFUSED** on the following grounds:

The change from a two bedroom C3 dwelling to a sui generis 7 bedroom house in multiple occupation (HMO) is considered to detract from the character and residential amenity of the area and adversely impact on the concentration of HMO properties in this location to the detriment of the available housing stock. In addition the proposal is considered to provide inadequate residential facilities for 7 bedrooms. This is considered to be contrary to Policy H9 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Framework.

d DM/15/03945/FPA - 67 Front Street, Pity Me, Durham, DH1 5DE

The Senior Planning Officer, Chris Baxter 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 proposed residential development of 6 No. linked dwelling houses and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal and statutory consultees; however, the Parish Council had requested that the application be determined at Committee as they had concerns in respect of over-development, lack of parking and no bin storage.

The Senior Planning Officer noted that a previous application for this site had been refused; however, this application had a redesigned layout incorporating a communal area allowing access to the rear of each property. The Senior Planning Officer concluded by noting that Officers from the Highways Section were satisfied that there was sufficient parking and had raised no issues.

The Chairman noted there were no registered Speakers, however, asked if the Local Member who was in attendance, Councillor A Hopgood wished to speak prior to questions and comments from the Committee Members.

Councillor A Hopgood thanked the Chairman for the opportunity to speak in relation to this application noting she represented her fellow Divisional Members, Councillors M Simmons and M Wilkes as well as the Parish Council in this regard. Councillor A Hopgood noted that there had been a lot of work in order to get the application to this stage and referred to the positive inclusion at Paragraph 50 of the removal of permitted development rights in terms of extension and the issue of HMOs being addressed by restriction of use to Class C3.

Councillor A Hopgood noted however that there was concern in terms of the road on to the site and that while this would be satisfactory once completed, there were issues in terms of practicality and safety during construction, if the area used as a turning circle by vehicles was blocked off this would mean vehicles would need to reverse on to the main road. Councillor A Hopgood noted therefore a condition in order to ensure the area used as a turning circle would not be blocked during construction would help mitigate this potentially dangerous situation. Councillor A Hopgood added that it was felt that it would be beneficial to have some assurance in writing that the trees, which were in a healthy condition at this time, would not be negatively affected by the development and be retained as part of this development.

The Chairman asked if the Senior Planning Officer could respond to the comments and questions from the Local Member.

The Senior Planning Officer noted that the Tree Officer had cited no concerns in terms of this application and that TPOs were in place.

The Principal Engineer, Highways - Development Management, A Glenwright noted that the developer would not be able to block off the public highway and if the developer were to submit an application to Neighbourhood Services for a Temporary Road Closure then this would only be looked at favourably should issues of health and safety and freedom of movement of nearby residents had been addressed satisfactorily. It was reiterated that the developer would need to have the proper paperwork in place prior to any temporary closure. Councillor A Hopgood explained that the concern in terms of blocking the area used as a turning circle as there did not appear to be any other location for the storage of materials at the site, especially given the tiered nature of the rear gardens, adding could materials not be brought in as required. The Principal Engineer, Highway Development Management noted that it may be advantageous in this case to have a Construction Management Plan in order to address these concerns. Councillor M Davinson asked whether such a plan could also include times at which construction was permitted to take place. The Senior Planning Officer noted that, should Members wish a condition in terms of a Construction Management Plan could be added, similar to that set out in the application considered earlier by the Committee, and include times when works would be permitted.

Councillor M Davinson noted that a condition for construction hours would reduce impact on neighbouring properties.

Councillor B Moir moved that the application be approved subject to additional conditions in terms of a Construction Management Plan and construction hours; he was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and two additional conditions:

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.

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.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02276/FPA
FULL APPLICATION DESCRIPTION:	Conversion of an Existing Cycle and Management Store into Studio Apartment and Associated Works
NAME OF APPLICANT:	Adderstone Developments Ltd
ADDRESS:	Angerstein Court, Broomside Lane, Carrville, County Durham, DH1 2QD
ELECTORAL DIVISION:	Carrville
CASE OFFICER:	Susan Hyde Planning Officer 03000 263961 susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an existing three-storey apartment block of eleven residential units with associated car parking located along Broomside Lane, Carrville. The block comprises of eight two-bedroom apartments, three one-bedroom apartments, management store, cycle store accessed via the walkway to the east side of the building and bin store to the front of the application site.
2. The block is faced in red brickwork complemented with contrasting light coloured render and the pitched roof is finished in grey slate tiles complemented with dormer windows at intervals accommodating habitable rooms within the roof space. All doors and windows are finished in white UPVC.
3. Access is taken directly from Broomside Lane immediately to the north of the application site. Vehicular access is achieved via an arched entrance leading to the on-site residential car parking to the rear. Pedestrian access to the two-bedroom apartments is direct from the rear car park with access to the one-bedroom apartments achieved by means of a walkway to the east side of the application site.
4. The existing bin, cycle and management stores are located within the eastern section of the building separated from the existing ground floor apartments by the gated vehicular entrance.

The Proposal

5. Full planning permission is sought for conversion of an existing cycle and management store to a single one-bedroom studio apartment. Additional works will involve the relocation of the existing cycle and management stores.
6. The application is reported to the Planning Committee at the request of Belmont Parish Council because of concerns about the inadequate scale of the proposed property and the loss of an integrated bike store, and by Councillor Patrick Conway for similar reasons including the proposed apartment not being in character with others in the block and the loss of green space.

PLANNING HISTORY

7. N/A

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. The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
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. Part 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.

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 H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with saved Policies E3, E5, E6, Q8, R2, T10 and U8A.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
24. 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.

EMERGING POLICY:

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Parish Council: Belmont Parish Council has requested the application is refused and in view of strength of objection by occupants of existing apartments and referred to Committee with particular regard to the amenity of existing residents and the amenity of the in-coming resident

INTERNAL CONSULTEE RESPONSES:

27. Environment, Health and Consumer Protection: No objection subject to condition requesting the submission of a scheme of sound proofing before any part of the development is commenced

28. Highways Development Management: The development as a whole satisfies the parking standards of Durham County Council. However the relocation of the cycle store should be in a prominent secure location. In this instance it is tucked in the corner of a car park and is unlikely to benefit from casual observance of passers by. The Highway Officer therefore objects to the position of the relocated cycle store.

29. PUBLIC RESPONSES:

The application was advertised by means of a site notice and by letter to eighteen neighbouring properties within the area. Seventeen letters of objection have been received from 8 addresses raising concerns relating to:

- Loss of a fully integrated weatherproof bike store to the existing apartments.
- The existing management store has useful communal facilities that would be lost.
- The proposed apartment is too small to accommodate someone with a reasonable level of residential amenity and is completely out of scale with the rest of the apartments.
- The proposal leads to the loss of a parking space and no parking provision for the new apartment.
- Belmont Parish Council – object to the inadequate scale of the accommodation, the loss of the green space and the loss of an integrated bike store.
- Cllr Conway has objected on the grounds of the studio apartment being an inadequate size and out of keeping with the other apartments in the development, loss of the green space and the loss of an integrated cycle store.

- APPLICANTS STATEMENT:

30. The Agent acting on behalf of the Applicant was invited to submit a statement in support of this application. At the time of report preparation, no statement has been received

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential and visual amenity, sustainable transport, environmental health and parking.

Principle of Development

32. There is a presumption in favour of sustainable development and the government is committed to ensuring the planning system does everything it can to support sustainable economic growth at the heart of the National Planning Policy Framework (NPPF). It is essential that social, economic and environmental issues are supported in equal measure. The NPPF's twelve core planning principles state that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These aims are also reflected in the current saved Policies of the City of Durham Local Plan.
33. Paragraph 50 of the NPPF acknowledges the need for local planning authorities to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In turn, Paragraph 56 of the NPPF suggests great importance shall be attached to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should positively contribute to making places better for people. In addition, Paragraph 60 further suggests planning policies and decisions should not attempt to impose architectural styles or particular tastes or stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Furthermore, Paragraph 61 also acknowledges whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
34. Similarly, saved Policy H2 of the current City of Durham Local Plan suggests new housing development comprising of windfall development of previously developed land and conversions will be supported subject to the protection of both the character and setting of Durham City whilst also according with relevant design and traffic saved policies. In turn, saved Policy H13 suggests planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of adjacent residents. This is discussed below.
35. Therefore, it is considered the principal accords with the aims and objectives of the National Planning Policy Framework and the relevant saved policies of the current City of Durham Local Plan which promote sustainable economic growth in town and city centres.
36. The site is located within a predominantly residential area surrounded by residential properties. The site is located within a sustainable location being close to shops, services and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principles of the NPPF.

Residential and Visual Amenity

37. The proposal is to convert the existing cycle and management stores to a studio apartment that creates one room for a bedroom, kitchen and living room and one shower room. The room would achieve natural light and outlook with one window adjacent to the bed that looks onto the car park and one smaller window to illuminate the living space that looks out onto a fence at a distance of 1.5 metres away. The standard policy distance in policy Q8 requires a minimum distance of 6 metres to a single storey structure, such that the fence would be considered to have an overbearing impact. It is also relevant that the main living space is served by one window only which would be expected to be used for ventilation and outlook in the usual way to ensure a reasonable level of residential amenity, as the larger window adjacent to the bed could not be easily accessed. The standard of residential amenity for the property is therefore considered to be unsatisfactory.
38. The limited size of the dwelling also contrasts with the level of residential amenity provided in the remainder of Angerstein Court and the floor area of the studio apartment will be significantly less than that of the existing apartments. The existing apartments measure an approximate floor area of at least 45m² whereas the proposed floor area of the studio apartment will be 15m². Saved Policy Q8 also sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings should be appropriate in scale, form, density and materials to the character of their surroundings providing adequate amenity and privacy for each dwelling ensuring the impact upon the occupants of existing nearby properties should be minimised. The scale of this property is therefore considered to be out of character with the remainder of this residential block by introducing a different type of accommodation, in conflict with Policy Q8.
39. The cycle storage for existing residents is to be relocated to an external covered store within the south west corner of the landscaping area in the existing car park. As such the cycle store will lead to the loss of this landscaped area on a site that already has little landscaping.
40. Overall, it is considered that the proposed development would not provide an adequate level of residential amenity for existing or proposed occupiers, and the proposed dwelling would be contrary to Policy Q8 of the Local Plan. In addition the limited floor area is considered out of character with the existing apartments in Angerstein Court and the cycle storage would lead to loss of one of the few landscaped areas available in the parking area which would detract from the residential amenity of the area. Therefore, the proposal would be contrary to Policies Q8 and H13 of the City of Durham Local Plan.

Sustainable Transport

41. The NPPF places significant weight on the need to support cycling as a sustainable mode of transport. The existing development at Angerstein Court has an integrated cycle store within the existing brick building which

is secure, easily accessible and integrated into the existing building. The proposed replacement cycle store is located in the south west corner of the car park making it less convenient for local residents. The County Highway Officer has objected to the movement of the cycle storage facility because cycle storage should be in a prominent secure location. In this instance it is tucked in the corner of a car park and is unlikely to benefit from casual observance of passers by which makes the new location less secure. Although some apartment windows overlook the parking area, it is considered that the relocated store would be largely obscured from view by parked vehicles. It is also noted that existing residents, the users of the facility, consider the proposed location to be less satisfactory

Environmental Health

42. The Senior Environmental Health Officer has offered no objection to the introduction of a studio apartment. However, in order to ensure that noise transmission from the bedroom and bathroom from the existing apartment directly above is minimised, they would recommend a planning condition.

Parking

43. The Highway Development Manager has confirmed the level of car parking provision will be above the current minimum standards as set out within Durham County Council, Residential Car Park Standards.

CONCLUSION

44. The site is within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainable principles of the NPPF.
45. Notwithstanding this, the limited scale of residential accommodation is considered out of keeping with the existing apartments in Angerstein Court and is also considered to provide unsatisfactory standards of residential amenity for the prospective occupiers, contrary to Policies Q8 and H13 of the Local Plan.
46. The relocation of the cycle storage facilities is onto an area of open space that provides one of the few limited areas of green space for the residential apartments. In addition the new position of the cycle storage facilities is considered to be in a location that is less convenient for the residents. The County Highway Officer is also concerned that the cycle storage area is not an adequately secure location. The reduction in the quality of the cycle storage is considered to be contrary to the significant weight the NPPF places on supporting sustainable transport in paragraph 34 and 35.

RECOMMENDATION

That the application be REFUSED for the following reasons:

1. The level of residential amenity for the proposed dwelling is not considered to be adequate due to its limited size and unsatisfactory outlook, and is also out of character with the accommodation in the apartment block, contrary to Policies Q8 and H13 of the City of Durham Local Plan 2004.
2. The proposed development would have a significant adverse effect on the residential amenity of the existing residents of the apartment block due to the loss of an existing landscaped area and the introduction of replacement cycle storage which is both less convenient and less secure by virtue of its location in the south west corner of the car park. This is contrary to Policy H13 of the City of Durham Local Plan 2004 and paragraphs 34 and 35 of the NPPF.

ADDITIONAL MATTERS

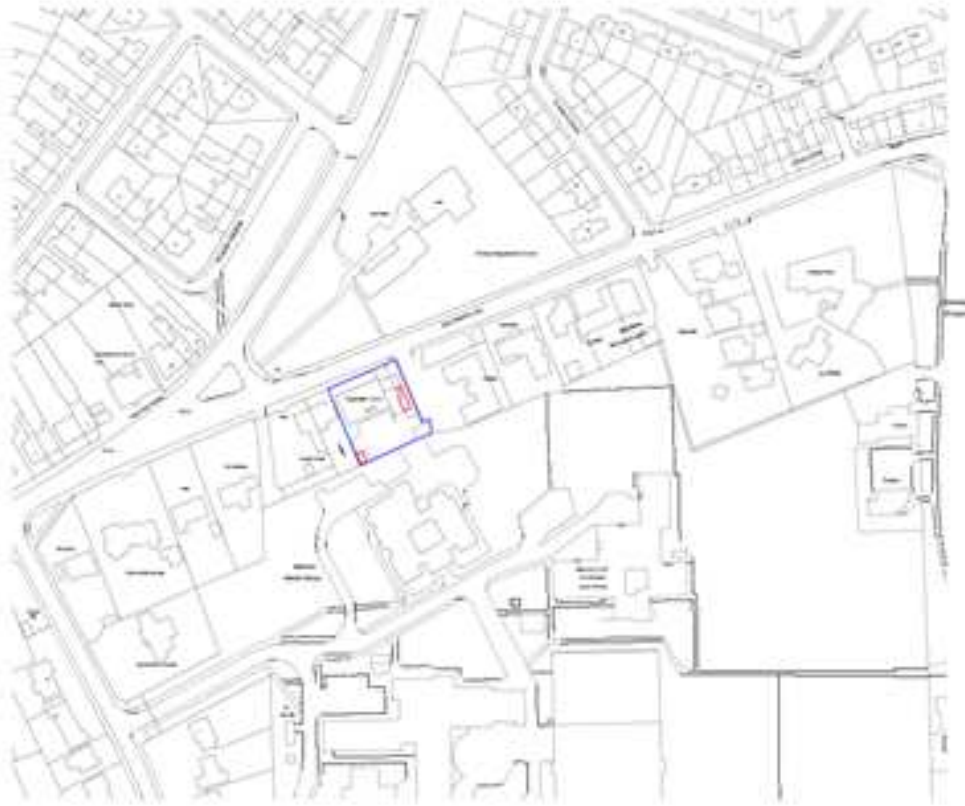
N/A

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. However, it has not been possible to achieve an acceptable form of development in this case. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

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



Planning Services

Conversion of an existing cycle and management store into a studio apartment and associated works.

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Date March 2016

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03141/FPA
FULL APPLICATION DESCRIPTION:	Construction of 22no. holiday lodges with associated infrastructure and landscaping
NAME OF APPLICANT:	Brancepeth Estates Limited
ADDRESS:	Brancepeth Manor Farm, Brandon Lane, West Brandon
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is approximately 1.5 hectares of unfarmed land situated within the curtilage of the wider Brancepeth Manor Farm site. The application site wraps around an existing pond. The buildings associated with Brancepeth Manor Farm are located to the east of the application site. The majority of these buildings have consent for residential accommodation of which some have been converted and some under construction. Agricultural fields surround Brancepeth Manor Farm and the application site. There are two public right of way byways which are located to the north of the site. One byway runs along the north boundary of the site and the other public right of way is situated over 200 metres away. There are two accesses to the application site, one taken from the north off Brandon Lane, and the second from the south off Wolsingham Road.

The Proposal

2. Planning permission is sought for the construction of 22no. holiday lodges which are located around the north and west edges of the pond. The proposed lodges will be of single storey timber construction providing ten 2 bedroom lodges and twelve 3 bedroom lodges. A site office and compound is proposed which would be constructed from stone and timber. The vehicular access to the site is proposed to be taken from the north off Brandon Lane.
3. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

4. No planning history on the application site. Planning permission has recently been granted for the conversion of the existing buildings on Brancepeth Manor Farm in to residential accommodation.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* 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.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

13. *NPPF Part 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.
14. *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.
15. *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

16. 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.
17. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
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 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.

20. Policy V8 (Tourism – Camping, Caravans and Chalets) states that planning permission will be granted for the development of new or extensions to existing site for camping, caravanning and chalets providing they are not out of keeping with the area; does not adversely affect residential amenity; provides satisfactory means of access; is served by adequate infrastructure; would not be located within an area subject to flooding; and is adequately served by public transport and cyclepaths.
21. Policy V9 (Tourism – Occupancy) states that planning permission for static holiday caravans and chalets in the countryside will only be granted if occupation by any one person or groups of persons is limited to not more than 26 weeks in any one calendar year.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
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 U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

RELEVANT EMERGING POLICY

The County Durham Plan

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* consider the site is in an unsustainable location for travel.
31. *Northumbrian Water* has not raised any objections.
32. *Natural England* has not raised any objections.
33. *Environment Agency* has no objections to the proposed development and has indicated that the applicant will require the written consent from the Environment Agency under the Water Resources Act 1991.
34. *Drainage* has indicated that the Flood Risk Assessment documents submitted with the application adequately cover the necessary requirements with regard to sustainable drainage solutions and prevention of flooding.

INTERNAL CONSULTEE RESPONSES:

35. *Ecologist* has not raised any objections to the ecology survey submitted with the application.
36. *Public Rights of Way* has confirmed that Brandon Lane is a Public Byway. The Byway is a single carriageway and given the proposals will generate an increase in traffic, passing places should be created.
37. *Environmental Management (Noise)* has indicated that the main control required to mitigate the risk of noise disturbance to residential properties is through site management by site rules and supervision.
38. *Environmental Management (Contamination)* has not raised any objections. A condition is requested for further contamination surveys to be undertaken.
39. *Landscape* has concluded that the proposals would have some significant adverse landscape and visual effects.
40. *Visit County Durham* has indicated that the scheme is to be awarded a level 2 status which is classified as a desirable project.

PUBLIC RESPONSES:

41. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 28 letters of representation have been received from local residents.

42. Concerns are raised in relation to the impact the proposed development would have on the welfare of local residents in terms of noise disruption and loss of privacy, and also safety and security. It has been indicated that development would spoil the tranquillity nature of the site and would be out of keeping having an adverse impact on landscape and visual effects. Residents are also concerned that the scheme would result in the devaluation of residential properties.
43. The impact on highways is considered to be a main issue with local residents. The proposed access is considered to be unsuitable and the surrounding highway network would not be able to cope with the additional volume of traffic.
44. The development is considered to be overdevelopment and there is no need for this type of commercial business in this area, as there are other facilities elsewhere. It has been indicated that the site is unsustainable and does not have sufficient infrastructure.
45. Concerns have also been raised in relation to flooding and drainage; impacts on wildlife and protected species; contamination; waste collection; and disturbance during construction stage.
46. Local residents have indicated that they have concerns that the holiday lodges would become permanent residential dwellings. Residents have also noted that there has been no consultation from the applicant with the local residents prior to the application being submitted. Finally, local residents consider that the application is contrary to local plan policies and the NPPF.
47. The Campaign to Protect Rural England has also raised concerns in relation in terms of impacts on the landscape, local utilities and roads, and wildlife.

APPLICANTS STATEMENT:

48. From the initial concept stages of the proposed development, it was expected the proposed accommodation would comprise tourism accommodation of exceptional quality, at the higher end of the tourism market. However, before progressing with the proposal, we had to be certain there was demand for the product envisaged and that we were targeting the most appropriate area of the tourism market.
49. In order to consider this, we sought to engage with the Council's tourism officers and the Durham Tourism Management Plan Committee to understand not only what need there is, but also if there is any need. Over a period of several months, we engaged in discussions with the Council's tourism officers and the Durham Tourism Management Plan Committee, as well as appointing a tourism expert to undertake the relevant assessment work and advise the applicant on tourism accommodation requirements.
50. Those discussions concluded there was, indeed, a significant desire for additional high quality tourism accommodation in this area of the County, with a particular focus on the timber holiday lodge market which is seen as being more upmarket, and an exclusive alternative to the traditional caravan holiday home. It was also noted there was only one small holiday lodge site in operation of a similar type in the County (that being the West Hopyland holiday cottages and trekking centre at Hamsterley). This exercise also considered the quantum of development appropriate for the Brancepeth site, which concluded in accordance with the area of the market in most need, this should be a relatively small scale development, synonymous with a more exclusive development. In this respect, it is anticipated the development will particularly appeal to older and more affluent customers.

51. The work undertaken by Tourism UK resulted in the direct support of the Durham Tourism Management Plan Committee, who awarded the project an overall Level 2 (desirable project), based on the information available at that time. The Durham Tourism Management Plan Committee also advised that the only reason the project was not rewarded Level 1 status (highly desirable) was a result of commercial sensitivity with the financial elements of the process. The committee concluded that there was comprehensive evidence of market demand and positive economic impacts likely to arise as a result of the proposed development, and there is no suggestion that the committee would not have awarded Level 1 status in this respect.
52. In terms of the scheme itself, it has evolved around a desire to create a high quality landscape setting, which has been essential to the design process. Throughout the application process, there has also been further landscaping proposed, particularly along the western boundary, as well as various other amendments to the scheme to ensure it does not negatively affect existing residents of Brancepeth Manor Farm.
53. In terms of benefits directly accruing from the proposed development, it will make a significant contribution towards the Durham Tourism Management Plan aspirations, as well as significant economic contribution to the local economy. In this regard, the proposed development will result in a direct and indirect expenditure of just under £1.58m to the local economy, which includes the anticipated spend of visitors, as well as additional growth in the local supply chains. The development will also create in the order of 29 full-time equivalent jobs, as well as in the order of 20 no. temporary construction jobs.
54. As explained elsewhere within the committee report, the proposed development will result in a high quality tourism accommodation development which is consistent with the requirements of the policies of the adopted development plan, supports economic and tourism growth, represents an ideal opportunity to showcase the quality of the Durham Tourism Industry to national and international tourists.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. 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 landscape setting and surrounding area; impact on residential amenity; highway safety; and ecology.

Principle of development

56. Policy V8 of the local plan deals specifically with new holiday accommodation schemes. This policy states that planning permission will be granted for new holiday accommodation providing it does not impact on the character of the area; does not adversely affect neighbouring amenities; provides a satisfactory access which does not impact on local road network; is served by adequate infrastructure; not located in an area subject of flooding; is served by public transport, footpaths and cycle paths; and accords with other local policies.
57. The impact of the proposed development on the criteria detailed above will be discussed under the headings below. It is considered however that in principle the proposed development would accord with policy V8 of the local plan.

58. The Highways Officer and local residents have indicated that the site is unsustainable and the development would be reliant on the use of cars. This point is not disputed however it is noted that generally holiday accommodation of this nature is situated in isolated locations which are detached from shops, services and public facilities. The NPPF does indicate that in order to promote a strong rural economy, development should support the provision and expansion of tourist and visitor facilities in appropriate locations. It is noted that Visit County Durham supports the introduction of holiday accommodation in this location.
59. Local residents have also indicated that there are concerns that the holiday lodges may become permanent residential accommodation. To ensure the holiday lodges would not become permanent residential dwellings, planning conditions are recommended which would restrict the use of the lodges to holiday accommodation only. It is noted that policy V9 of the local plan advises that the use of holiday lodges should be restricted to only 26 weeks of the year. Policy V9 was adopted in 2004 and more recent guidance advises that restricting holiday accommodation for use in only certain times of the year is not appropriate. Planning conditions can be utilised which will ensure the holiday lodges remain as holiday accommodation therefore there is no need to restrict the use of the holiday lodges to certain times of the year.
60. Whilst it is noted that the site is within an unsustainable location, this type of development is usually found within isolated sites detached from services. The proposed scheme would provide tourist accommodation which would attract tourists to the west of Durham City and thereby contributing to the economy of the surrounding area. On balance, it is considered that the principle of development is acceptable and would be in accordance with policy V8 of the local plan and guidance within the NPPF.

Impact upon landscape setting and surrounding area

61. The proposed holiday lodges are located within an isolated location but would form part of the extended Brancepeth Manor Farm complex which is settled around the existing pond.
62. In terms of potential impacts of the proposed development on the surrounding landscape, the County Landscape Officer has highlighted three primary viewpoints. These being the public byway that passes to the west and joins the site in the north west corner; the properties at Brancepeth Manor Farm; and numerous distant viewpoints to the north west. The Landscape Officer considers that the proposed development would be visually exposed from views from the north west and the byway and any planting scheme would arguably take 10 years to mature before becoming effective screening. The Landscape Officer concludes that the proposals would have some significant adverse landscape and visual effects.
63. The Planning Officer has taken the Landscape Officer's views into account but has arrived at a different conclusion in terms of the impact the development has on the surrounding landscape. It is acknowledged that the proposed lodges will be visible from the nearby byway, however these views would be short range and is not considered to have an adverse impact on the wider landscape. In terms of distant viewpoints, the Planning Officer does not consider that the development would be overly prominent within the overall landscape of the area. Given the topography of the land which surrounds the site and the extensive woodland areas which are located nearby to the north west and the south, it is considered that the proposed holiday lodges would not be highly visible in the overall landscape. It is also noted that the lodges have been specifically designed to be single storey and constructed from dark materials which help them blend in with the surrounding environment.

An amended planting scheme has been submitted showing additional planting along the north and west boundaries of the site, which over time will help in screening the proposed lodges from both short and long distance views. In terms of views from the properties on Brancepeth Manor Farm, it is acknowledged that some of the buildings would have views of the proposed lodges however these views would not compromise the overall outlook of the surrounding area.

64. There are differing views on whether the proposed development would have an impact on the surrounding landscape. Given the introduction of substantial planting along the boundaries of the site and the sensitive design and materials of the proposed lodges, it is considered that on balance the development would not adversely compromise the character and appearance of the surrounding landscape.

Impact on residential amenity

65. The majority of the buildings within the Brancepeth Manor Farm complex have received planning permission to be converted into residential accommodation. Some of the buildings are currently occupied, some are in the process of being converted and some still remain undeveloped.
66. The nearest proposed holiday lodge to a residential property is located over 75 metres away, with the rest of the holiday lodges located over 100 metres away from the residential properties within the Brancepeth Manor Farm complex. This 75 metres plus separation distance would ensure that there would be no direct loss of privacy to residential properties, nor would there be any overbearing or overshadowing impacts created.
67. A primary concern from nearby residents is the noise and disturbance which could occur from the proposed holiday accommodation. The Council's Noise Officer has indicated that given the type of accommodation proposed and the regular number of vehicle trips which is likely to be associated with the development, the development is likely to give rise to noise levels over what would normally be expected in a residential area. The main control required to mitigate the risk of noise and disturbance on neighbours is through management. Generally on holiday sites this is achieved by site rules and supervision. The site would incorporate a site office which visitors would have to report to on arrival and a site management plan would be implemented which will provide site rules and regulations. A condition is recommended for a site management plan to be submitted for approval. The developer has confirmed that the primary entrance to the proposed holiday site would be from the north via Brandon Lane and therefore any traffic to the site would not drive past the residential properties in Brancepeth Manor Farm. The layout of the site has also been redesigned to incorporate a locked gate which would restrict access to the holiday site from Wolsingham Road. It is considered that the development would not have an overly adverse impact on the adjoining residential properties which would be sufficient to justify refusal of the application.

Highway safety

68. The developer has indicated that the primary vehicle access to the site would be from the north via Brandon Lane. The Highways Officer has not raised any objections in terms of volume of traffic created by the development using either Brandon Lane or Wolsingham Road. There is a 250 metre section of Brandon Lane which is a byway and is only 2.7 metres in width. Given the width of this byway, there is a requirement for passing places to be introduced to allow vehicles to pass along this stretch of road.

The developer has agreed to a planning condition requiring the installation of passing places prior to the holiday site being occupied. A condition is recommended accordingly.

69. The internal road layout of the holiday site has been amended which now provides a suitable access into the site, along with passing places and visitor parking. The Highways Officer is satisfied that the two parking spaces allocated to each of the lodges is an acceptable provision.
70. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety. The proposal would be in accordance with policy T1 of the local plan.

Ecology

71. 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.
72. 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.
73. An Ecological Appraisal of the site has been submitted with the application. This appraisal concludes that there is no historical records of otter, water vole or white clawed clayfish in the area. Assessment of the pond suggests that it is unsuitable for great crested newts. There are no structures on site to provide roosting opportunities to bats and the semi-mature trees within the site boundary have negligible risk of supporting roosting bats. The submitted appraisal has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. A mitigation strategy is detailed in the Ecological Appraisal which outlines timing or construction works, working methods and best practice, and enhancement recommendations. A condition is recommended for the mitigation measures detailed in the appraisal to be adhered to.

Other issues

74. A Phase 1 Contamination Report has been submitted with the application and this has been assessed by Council Contamination Officers. No objections are raised however a condition is recommended for further site investigation works to be undertaken prior to works commencing on site. A condition is recommended accordingly. It is not considered that the proposed development would have an adverse impact in terms of contamination.

75. A flood risk assessment along with details of drainage has been submitted with the application which has been assessed by the Council's Drainage Officer, the Environment Agency and Northumbrian Water. No objections have been raised and it is therefore considered that the proposed development would not have an adverse impact on the surrounding area in terms of flooding or drainage.
76. Local residents have raised some concerns that valuation of nearby residential properties will be affected by the proposed development. The valuations of properties are not a material planning consideration. Residents have also noted that the developer did not consult with local residents prior to submitting the planning application. There is no requirement for a developer to consult the local community prior to submitting a planning application. The local planning authority have undertaken the required publicity for the planning application as required by planning legislation. Some local residents are concerned about potential noise and disturbance during construction phase. It is accepted that construction of any development may create some disruption, however given the separation distance between the site and neighbouring properties it is considered disturbance would be minimal. Disturbance experienced during construction would also only be for a limited time and is not sufficient reason to refuse a planning application.

CONCLUSION

77. The proposed development is considered acceptable in principle as it meets the aim of policy V8 of the City of Durham Local Plan and also criteria detailed in the NPPF. It is accepted that the site is in an unsustainable location however generally holiday accommodation of this nature is found in isolated sites. The proposed scheme would provide tourist accommodation which would attract tourists to the west of Durham City and thereby contributing to the economy of the surrounding area. To ensure the lodges do not become permanent residential accommodation, conditions are recommended which would restrict the lodges to holiday use only.
78. In terms of impacts on the surrounding landscape, the County Landscape Officer has concluded that the proposals would have some significant adverse landscape and visual effects. The Planning Officer has a different view and considers that the proposed development would not have an adverse impact on the surrounding landscape. Due to the topography of the site, it is considered that the site is screened from a number of long distance views. The lodges have also been design to be single storey and constructed from natural materials so they blend in with the existing landscape surroundings. A revised planting plan has also been submitted proposing landscaping which overtime would help screen and integrate the holiday lodges into the surroundings. The proposal is considered to be in accordance with policies E14, E15 and V8 of the City of Durham Local Plan.
79. The nearest neighbouring residential property is located over 75 metres away which would ensure there would be no loss of privacy to the properties and ensure there would be no overbearing or overshadowing impacts created. The main entrance to the site would be via Brandon Lane therefore there would be limited vehicle traffic driving past the nearby residential properties. The site would be subject to a site management plan detailing site rules and regulations. The separation distance of over 100 metres from the proposed lodges with the majority of the nearby residential properties would ensure that residential amenity would not be adversely compromised in terms of noise and disturbance. The proposals are considered to be in accordance with policies Q8 and U5 of the City of Durham Local Plan.

80. The surrounding highway network has sufficient capacity to accommodate the additional traffic which would be created by the proposed development. Improvements are required to the existing byway to allow for vehicles to pass each other. A condition is recommended to ensure that the byway is upgraded and passing places are provided. The proposed development would not have an adverse impact on highway safety and would be in accordance with policy T1 of the City of Durham Local Plan.
81. The proposed development would not compromise any protected species or their habitats and there would be no adverse impacts in terms of contamination, flooding or drainage issues. The proposal would be in accordance with policies E16, U8a and U11 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:

Plan Ref No.	Description	Date Received
300-01 1	Proposed Site Office and Compound to Northern (site entrance) area of site	15/01/2016
300-02 2	Proposed Site Gate Details	15/01/2016
200-03 12	Proposed Site Access & Lodge Layout	15/01/2016
101-01 4	Location Plan	15/01/2016
2+2 CENTRAL 1	Proposed 2 Bed Central Living Lodge Type	16/10/2015
2+2 END 1	Proposed 2 Bed End Living Lodge Type	16/10/2015
3+3 CENTRAL 1	Proposed 3 Bed Central Living Lodge Type	16/10/2015
3+3 END 1	Proposed 3 Bed End Living Lodge Type	16/10/2015
911_10 A	Landscaping Illustrative Landscape Masterplan	15/01/2016

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

3. No development shall commence until detailed specification of passing places along the byway has been submitted to and approved in writing by the local planning authority. The approved passing places shall thereafter be fully constructed prior to the lodges being occupied.

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

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

Reason: In the interests of the appearance of the area and to comply with policies V8 , E14 and E15 of the City of Durham Local Plan.

5. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the Preliminary Ecological Appraisal (dated September 2015) by E3 Ecology.

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

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (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 competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

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

7. The holiday lodges hereby approved shall not be occupied until a site management plan has been submitted to and agreed in writing by the local planning authority. The approved site management plan shall thereafter be retained whilst the lodges are in use.

Reason: In the interests of residential amenity and to comply with policies Q8 and U5 of the City of Durham Local Plan.

8. The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owner/occupiers of individual holiday lets on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

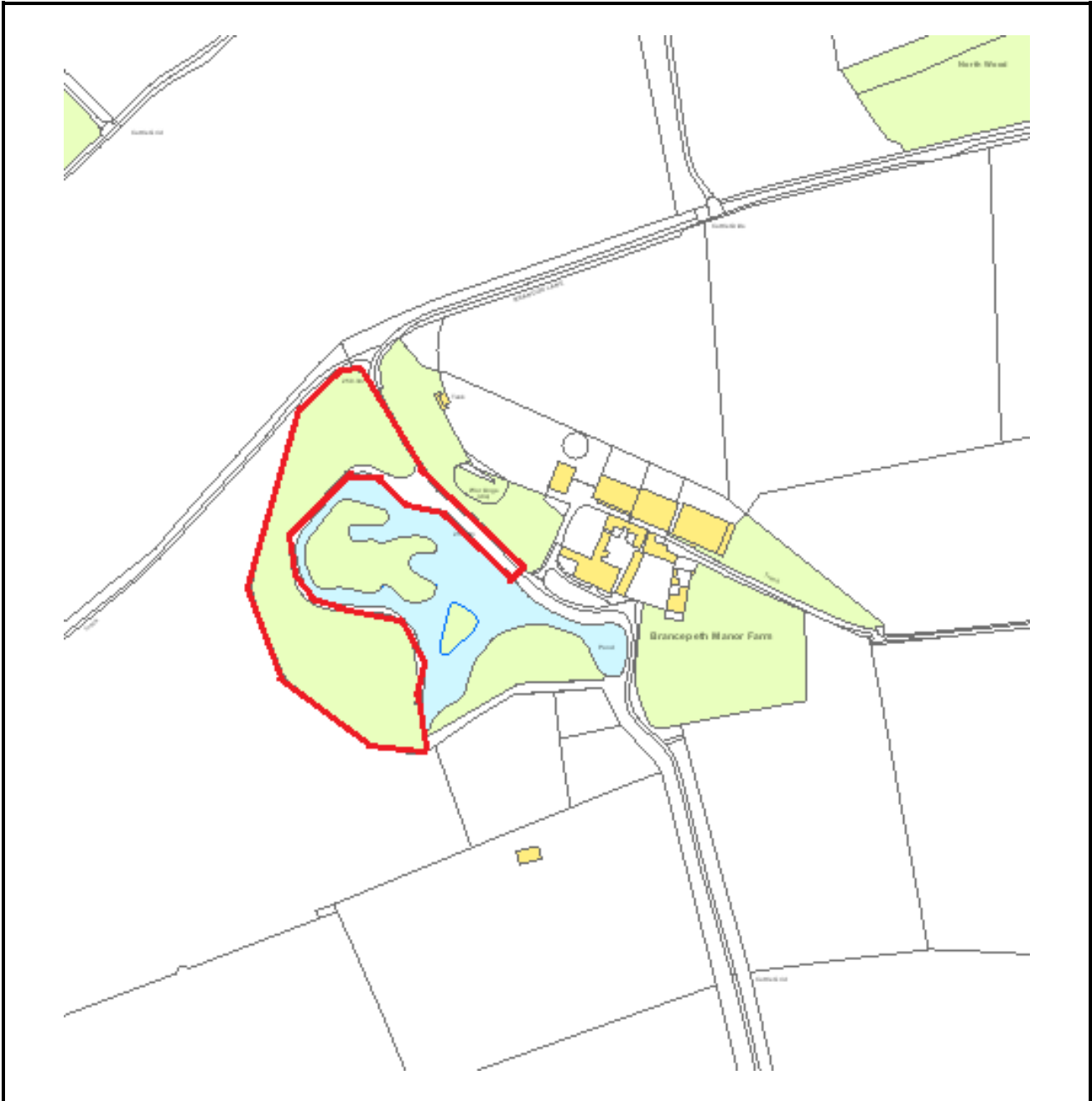
Reason: To ensure an appropriate form of development in the countryside, in accordance with policy V8 of the City of Durham Local Plan 2004.


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
County Durham Plan (Submission Draft)



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Construction of 22no. holiday lodges with associated infrastructure and landscaping at Brancepeth Manor Farm, Brandon Lane, West Brandon</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>	<p>Date 8th March 2016</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/15/03694/FPA

FULL APPLICATION DESCRIPTION: Increase width of first floor extension to rear and internal alterations to create additional bedroom

NAME OF APPLICANT: Mr & Mrs Scothon

ADDRESS: 26 Church Street Head
Durham
DH1 3DN
Elvet and Gilesgate

ELECTORAL DIVISION:

CASE OFFICER: Michelle Hurton
Michelle.Hurton@durham.gov.uk
03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site relates to an unlisted property located within the south east part of the Durham (City Centre) Conservation Area on the east side of Church Street Head, near to the busy road junction with Quarryheads Lane, Stockton Road and South Road. The precise age of the property is unknown but historic map regression reveals that the property was part of a terrace identified on the first edition ordnance survey map circa. 1856 – 1860 suggesting that the property pre-dates this period making the property a non-designated heritage asset which makes a positive contribution to the diverse historic streetscape of this part of the conservation area.

PROPOSAL:

2. Full planning permission is sought to increase the width of the existing first floor extension to the rear and to alter the internal layout to create an additional bedroom of an existing small HMO. The internal alterations do not require planning permission, but are included in the description of the proposal for completeness.
3. Internally the building is to be reconfigured to allow the creation of a 6-Bed House in Multiple Occupation (HMO). The change of use from a residential dwelling (C3 Use Class) to a small HMO (C4 Use Class) does not require formal planning consent and can be undertaken as permitted development under the Town and Country Planning General Permitted Development Order. Indeed, this change of use to C4 has already taken place in respect of creating the current 5-bed HMO, utilising the permitted development rights. The additional bedroom as proposed does not bring about any further change of use, as the 6-bed HMO is still a C4 use.

4. The application is brought before members of the planning committee at the request of Councillor Freeman due to concerns raised in relation to the impact on neighbours by constituents within his electoral division.

PLANNING HISTORY

5. 82//843 – 2 Storey pitched roof extension to rear - Approved
DM/14/00454/FPA – Installation of first floor window to front - Approved

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
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. Part 1 (Building a Strong, Competitive Economy) The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
10. Part 7 (Requiring Good Design) The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. Part 12 (Conserving and Enhancing the Historic Environment) Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

City of Durham Local Plan 2004

12. Policy E6 (Durham City Centre Conservation Area) The special character, appearance and setting of the Durham City Conservation Area will be preserved or enhanced by reflecting a quality of design appropriate to the historic city centre, and ensuring the external building materials which are used are the same as, or are sympathetic to the traditional materials of the historic city or an individual street.

13. Policy E21 (Conservation and Enhancement of the Historic Environment) The Council will preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site.
14. Policy E22 (Conservation Area) The Council will seek to preserve or enhance the character or appearance of the conservation areas by not permitting development proposals which would detract from the character or appearance of the conservation area of its setting. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting, where appropriate, existing architectural details. Development proposals would not be permitted for the demolition of buildings which contribute to the areas character. A sufficient level of detail will be required to accompany applications for development to enable an assessment to be made of its impact on the conservation area.
15. Policy H9 (Multiple Occupation/Student Households) The sub-division or conversion of houses for flats, bedsits or for multiple occupations, or proposals to extend or alter properties already in such use will be permitted provided that adequate parking (in accordance with Policy T10), privacy and amenity areas are provided or are already in existence, it will not adversely affect the amenities of nearby residents, it is in scale and character with its surroundings and with any neighbouring residential property, it will not result in concentrations of sub-divided dwellings to the detriment of the range and variety of the local housing stock and it will not involve significant extensions having regard to Policy Q9, alterations or rebuilding which would unacceptably alter the character or scale of the original dwelling.
16. Policy H13 (The Character of Residential Areas) Planning Permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas; or the amenities of residents within them.
17. Policy T1 (Traffic Generation – General) The council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
18. Policy T10 (Parking – General Provision) Vehicle parking off the public highway in new development or redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development. On average, in residential developments, off road provision should not exceed 1.5 spaces per dwelling.
19. Policy Q1 (New Development – General Principles) The layout and design of all new development should take into account the requirements of users, incorporating personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children and the provision of toilet facilities, public seating, and signing where appropriate.
20. Policy Q9 (Alterations and Extensions to Residential Property) The design, scale and materials are sympathetic to the main dwelling and the character and appearance of the area. Wherever possible the alteration or extension incorporates a pitched roof, the alteration or extension respects the privacy of adjoining occupiers of the property and the alteration or extension will not create a level of multiple occupation.

EMERGING POLICY:

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3396/City-of-Durham-local-plan-saved-policies/pdf/CityOfDurhamLocalPlanSavedPolicies.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Cllr Freeman – Requested that the application be reported to committee. Cllr Ormerod – Objects to the application regarding having a detrimental impact upon the neighbouring properties, overdevelopment of the site, impact on light and impact on conservation area.

INTERNAL CONSULTEE RESPONSES:

23. Highways Section - raises no objections as the property is within the Durham City controlled parking zone

24. Design and Conservation - no objections

25. Environmental Health – no objections

PUBLIC RESPONSES:

26. The application was advertised by means of press and site notice as the property is within the Durham (City Centre) Conservation Area and by neighbour notification to 4 properties.

27. At the time of preparing this report, four letters of objection have been received; one of those letters was also forwarded by local MP Roberta Blackman-Woods requesting that the comments are taken into account. The letters of objection raised concerns in respect of the impact on the conservation area, impact on residential amenity, loss of light and loss of privacy upon the neighbouring property and being contrary to local policies.

28. The City of Durham Trust objects on grounds that the property has already changed the use to a student HMO; and the additional increase proposed will result in an original two bed property being enlarged to six beds; and therefore will conflict with Local Plan policy H9 (relating to conversion of houses to HMOs) and H13 (relating to the character of residential areas).

APPLICANTS STATEMENT:

29. With reference to the above application we note that a number of comments have been submitted by interested parties raising objections to the current proposals. The most significant comments are from Dr and Mrs Watts of No.25 Church Street Head (the adjacent property).
30. No.25 Church Street Head is provided with a window located in their gable wall which looks directly over the applicants' property and provides daylight to their first floor landing. There are a number of misconceptions in the objection from Dr and Mrs Watts (reflected in other objections) and I would take this opportunity to comment on those matters.
- The proposed increase in width of the existing bathroom is in fact 464mm and not the 2m as referred to in the objection.
 - The proportional increase in total floor area of the property is approximately 2%. This can not be deemed to be "over-development".
 - The window to No. 25 provides light to a first floor landing area and whilst there may be a marginal effect there is no "right of light" as this is not a habitable room.
 - The design of the roof slope is to prevent rain water run-off affecting No.27 and it is not proposed to increase the height of the existing roof
 - The sound insulating qualities of the Party Wall are not affected by the proposal and the number of people accommodated is irrelevant to this issue.
31. Significant concessions have already been made by the applicant and the development currently proposed is of an extremely minor nature.
32. I would ask that you support the application in its current format.

PLANNING CONSIDERATIONS AND ASSESSMENT

33. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
34. The main considerations in regard to this application are the principle of the development, impact upon conservation area, residential amenity, visual amenity, highways and Permitted Development rights.

Principle of Development

35. The application site is a terraced property located to the north of The New Inn public house, Durham; many of the properties within the street have already been extended varying in style, scale and design. The principle of extending the properties within the area is therefore well established and the proposal is considered to be acceptable in principle, subject to consideration of the detailed issues in Local Plan Policy H9 relating to extension of properties in use as HMOs. These are dealt with in the various sections of the report below.

Impact upon residential amenity

36. In respect of the proposed extension and the impact upon the current levels of residential amenity it is considered that due to its location and the overall scale the impact would not be sufficient to warrant refusal of the application.

37. The extension has been designed with a solid wall to the side elevation and as such the potential for overlooking at the site would be limited.
38. In relation to the property to the north of the application site (25 Church Street Head). It is noted that there is 1no. first floor window located on the shared boundary with the site; this window occupies the neighbouring property's landing which is not classed as a habitable room window. It is acknowledged that by increasing the width of the first floor extension, that this will bring the extension closer to the neighbouring property, however, given that the first floor side window is not occupying a habitable room, it is not considered to adversely affect the neighbouring property to a significant degree, notwithstanding that they have objected to the potential impact.
39. Possibly in response to the neighbours' concerns, amendments have been received from the agents that involve setting the ridge level of the enlarged rear extension slightly below the eaves level of the original building. This is considered to be acceptable given that this would be a minor change creating greater subservience, and even though the mono-roof pitch would be shallow it is almost identical to the existing pitch and so is unobjectionable in design terms.
40. Following receipt of the amendments to the scheme, a further consultation exercise was undertaken and although the neighbouring property has not withdrawn their original objection, it is considered that by lowering the ridge level to below the eaves of the original house, this will reduce the impact upon the neighbouring property (no. 25 Church Street Head) as such it would constitute an acceptable amendment, complying with policy H9, H13 and Q9 of the City of Durham Local Plan.
41. Comments received from The City of Durham Trust relate to the proposal creating an unbalanced appearance and being contrary to saved policies H9.2, H13 and Q9.3. It is considered that given the limited nature of the proposed extension, and taking into account the recently submitted amendments to the scheme reducing the impact upon the neighbouring residents that the proposal isn't contrary to the above saved policies and that the proposal does comply with the relevant saved policies.

Impact upon visual amenity and the Conservation Area

42. In relation to the proposed development, the application was submitted following on from a pre-application enquiry proposing substantial alterations to the main property and significant levels of extension. These proposals raised strong concerns relating to overdevelopment of the site, as the proposed extensions almost completely in-filled the rear yard space, which would negatively transform and adversely affect the property's scale and character. It is welcoming that this submission has responded positively to the pre-application advice, resulting in a significant reduction in what was being proposed. The proposals would only physically affect the existing modern rear additions with no alterations to the buildings historic envelope or any element contributing to its heritage values; thus its character and significance as a non-designated heritage asset would be preserved.
43. In terms of design, the proposed extension would be two storey in nature and it would appear subservient to the host property. The materials proposed are appropriate to the existing house, with external brick/block wall construction with rendered finish, welsh blue slate tiles, timber windows and Upvc door.
44. The Design section have confirmed that they have no objections to the scheme. Officers within the Environmental Health section have also confirmed no objections.

45. Due to the position of the proposed extension, its limited nature, and that it can only be seen from within the rear of the application site, the rear of the neighbouring properties or from the New Inn public house car park, it is considered that the proposed extension would not be very apparent and would only have a very localised visual impact. It is considered that the impact of the proposed development on the character and appearance of the Conservation Area would be neutral and therefore that it would be preserved, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and saved policies H9, H13, E6 and E22 of the City of Durham Local Plan.

Highways

46. In respect of highways issues, the Highways Authority have confirmed that they have no objections to the scheme given that the application site is located within a controlled parking zone. In addition the property is in a sustainable location, with Durham City and its services and facilities being a short walk way. In this respect no concerns are raised in relation to highway matters at the site, and therefore it is considered that the proposals comply with saved policies H9, T1 and T10 of the City of Durham Local Plan.

Permitted development

47. As previously noted in conjunction with the extension proposed at the site, major internal reconfiguration has previously taken place with the building being converted from a 2 bed property to a 5 bed small HMO. This application is to further reconfigure the property by extending at first floor level to the rear of the site to create a further 6th bedroom. In this respect the applicant has previously utilised their permitted development rights to carry out such works and convert from its former C3 Use Class to its existing C4 Use Class without the need for planning permission from the Council. As such this is not a matter which is relevant to the assessment of this application and no further change of use is involved. Equally, the proposal under consideration cannot be considered contrary to saved Policy H9.

CONCLUSION

48. In conclusion it is considered that the proposed development due to its location and overall built form would have a limited impact upon its Conservation Area setting and the current levels of visual amenity enjoyed at the site. In relation to impact upon the current levels of residential amenity, whilst it is noted that there is a landing window within the shared boundary with the neighbouring property, given the site specific circumstances it is not considered that it would have a significant adverse impact to warrant refusal.

49. As noted above the change of use from residential dwelling to operation as a small HMO has already been implemented as a five bedroomed property and the creation of an additional sixth bedroom would still fall within the small HMO use class. Given the minimal changes to the property it is considered that the proposals are acceptable and comply with the relevant Saved Policies.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application Form, Existing Site Location Plan drawing no. 15106-1003-P1, Proposed Plans, Elevations and Visuals drawing no. 15106-1001-P3, Alteration Notes drawing no. 15106-1002-P2 and Design and Access statement.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies Q1 and Q9 of the City of Durham Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with policy E6, E22 and Q9 of the City of Durham Local Plan 2004.

4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.

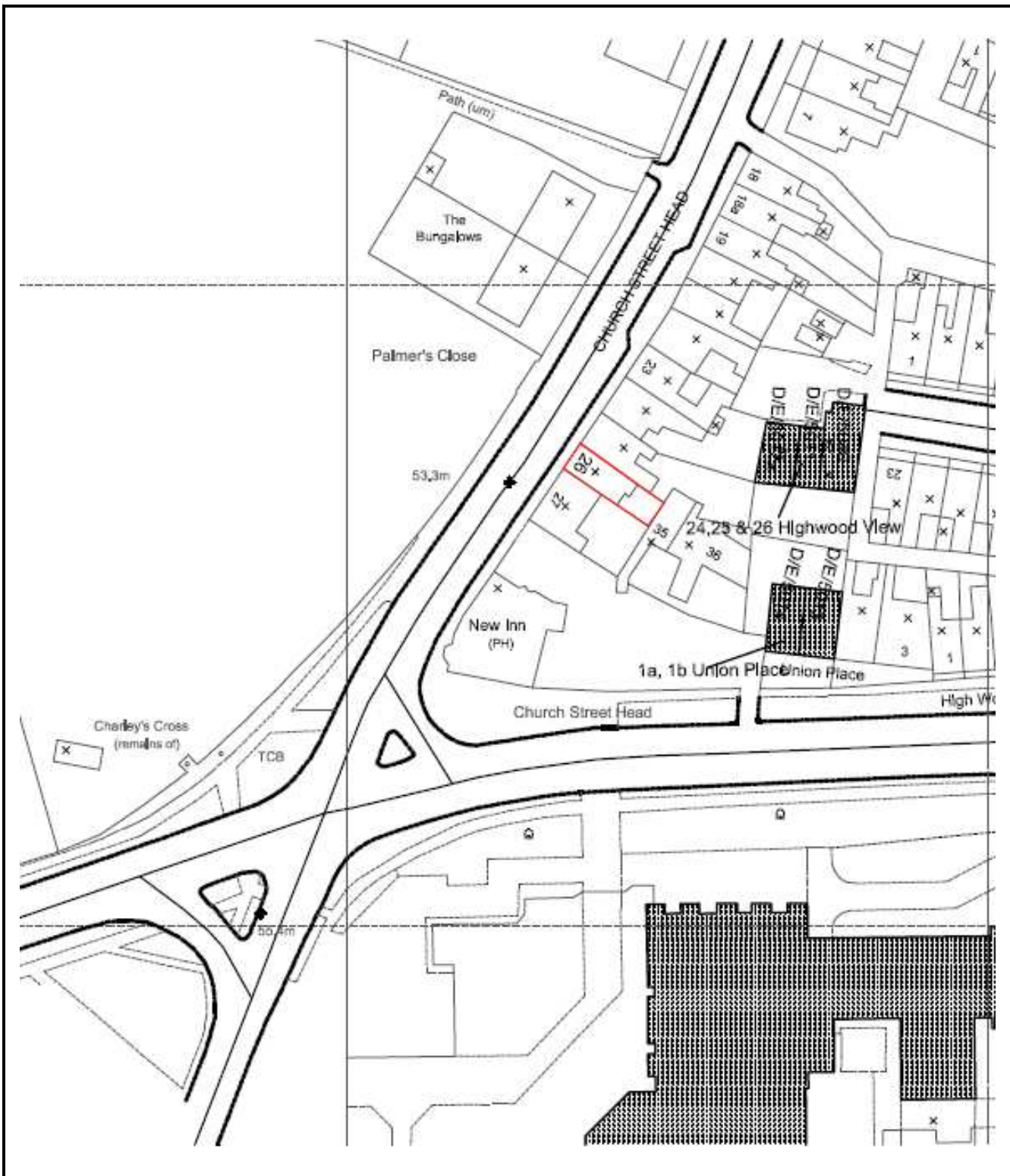
Reason: In the interests of the appearance of the area and to comply with Policy E6, E22 and Q9 of the City of Durham Local Plan 2004.

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 and Plans.
- Design and Access Statement
- Durham City Local Plan 2004
- National Planning Policy Framework
- Consultation Responses



Planning Services

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Increase width of first floor extension to rear and internal alterations to create additional bedroom at 26 Church Street Head, Durham, DH1 3DN

Comments

Date. 09 February 2016

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00026/FPA
FULL APPLICATION DESCRIPTION:	Change of use from B2 catering business to a restaurant/cafe A3
NAME OF APPLICANT:	Mr T Hewittson
ADDRESS:	107A High Street, Carville, Durham, DH1 1BQ
ELECTORAL DIVISION:	Belmont
	Laura Eden
CASE OFFICER:	laura.eden@durham.gov.uk 03000 263980

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a two storey detached property with a large garage and covered loading/deliveries areas to the south west facing elevation. The property already benefits from existing external extraction fans and flues given the existing use of the property.
2. The building fronts onto High Street, a busy mixed use local high street type location. Although the surrounding area is predominantly residential there are a number of commercial properties within the street including numerous shops (A1), a bank (A2), a hot food takeaway (A5) and a Church. There is dedicated on street parking alongside the south bound road. Vehicular access to the property can be taken either directly from Front Street, or to the south of the property there is an adopted side street from where the other garage can be accessed.
3. The property is within mixed usage being residential to first floor and commercial to ground floor. The business element comprises of the preparation and production of food for outside catering, coach companies and retail outlets. This type of use is deemed by Officers to fall within the B2 use class.

The Proposal

4. The application seeks full planning permission for the change of use of part of the building from the catering company (B2) to a restaurant and café (A3) development. The existing offices to the northern part of the building would remain unchanged. It is proposed that the business would be open between the hours of 7am until 3pm Monday to Friday, 7am until 12.30pm on a Saturday and closed on a Sunday. No external changes are proposed.
5. The scheme is being reported to committee at the request of the local divisional member Cllr Conway without prejudice for reasons relating to highway and residential amenity. The Parish Council also requested that the application be considered at Committee due to concerns regarding parking and highway safety.

PLANNING HISTORY

6. 4/12/00249/FPA Erection of fire escape to rear of property Approved 25th May 2012
In March 1986 Planning permission was granted for a change of use to 'preparation and production of food for outside catering, coach companies and retail outlets'. No opening hours were specified upon the granting of this planning permission. An application for an extension to provide an office and reception area together with lean to store and car parking to rear garden was refused in 1989. In 1990 an application for change of use from residential to reception and office in connection with catering business was refused. Various enforcement notices were served in relation to the site from 1990 in relation to an application for 'change of use from residential to reception and Office in connection with catering businesses'. However these notices were appealed and were quashed by the Planning Inspectorate who deemed the use ancillary to the previously granted 1986 approval. In 1993 planning permission was granted for single storey pitched roof extension to side to form a garage.
7. Most recently approval has been granted in 2013 for a timber storage shed and flue associated with extraction system and the retention of solar panels, fridge, freezer, storage container and hard standing to rear. There was also a subsequent discharge of condition application.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

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. 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
11. The following elements of the NPPF are considered relevant to this proposal
12. Part 1 – Building a Strong, Competitive Economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future
13. Part 4 – Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives

14. Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning

LOCAL PLAN POLICY

City of Durham Local Plan

15. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
16. Policy S7 (Individual Shops) allows individual shops within settlement boundaries provided existing local centres are not undermined and where the character of an area or road safety would be adversely affected.
17. Policy S10 (Food and Drink) allow development for food and drink establishments within settlement boundaries provided there is adequate parking and there are no adverse effects on the amenities of nearby occupants or the character of an area.
18. 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.
19. 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.
20. Policy T1 (General Transport Policy) Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties

RELEVANT EMERGING POLICY

The County Durham Plan

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

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

CONSULTATION AND PUBLICITY RESPONSES

INTERNAL CONSULTEE RESPONSES:

22. Environmental Health – No objection as overall the scale and type of food produced should reduce in scale, however as the applicant plans to use the wall mounted canopy extractor rather than the high level extractor unit a condition is required to be imposed to ensure the arrangements are satisfactory.
23. Highways - No objections given there is on street parking which should be able to accommodate the parking needs of the proposed use. Due to neighbour objections a number of visits were undertaken and it was noted that there was available car parking spaces on each occasion.

PUBLIC RESPONSES:

24. The application has been publicised by way of a site notice in addition to individual notification letters to neighbouring residents. Ten letters of objection have been received from local residents and the Parish Council on the grounds of;
 - Impact on parking
 - The use will make the road more hazardous due to extra traffic, parked cars and people ignoring road markings
 - Concerns that the business would not adhere to their hours of operation
 - Concerns the business may be used as a takeaway in the future
 - Impact on amenity due to the proposed hours of operation, noise and smells
 - Property devaluation
 - Damage to cars
 - Impact on existing businesses

APPLICANTS STATEMENT:

25. Having operated from the premises delivering outside catering for over thirty years age has an affect on everyone, therefore the proposal was to open the premises as a cafe and gradually wind down the outside catering concentrating on the cafe as a benefit for the local area.
26. I feel the High St. is 'CRYING OUT' for this type of establishment as there is no similar business situated nearby. Locals would be welcomed to enjoy a tea or coffee and a friendly chat. Quality home produced food would be produced at reasonable prices. With many people now on their own through bereavement Etc. I feel these premises could become the hub of the community. My proposal was to trade from 7am - 3pm weekdays possibly 7am - 12noon Saturday like all new ventures I do not have a crystal ball but upon consulting local people they are in favour of the proposal. Obviously all law requirements regarding noise odour levels would be adhered to.
27. Hopefully the business would be employing local people.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

28. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
29. The main considerations in regard to this application are the principle of the development, the impact on residential amenity and highway safety.

Principle of Development

30. Policies H13, S7 and S10 of the City of Durham Local Plan support in principle the change of use of a premise including new shops and café developments provided they do not adversely affect the viability of any other local centre or village and it is in scale and character with its surroundings. Turning to the NPPF, the emphasis is on sustainability and support for economic growth.
31. The application site is located within the established built up limits of Carville. Although the site lies outside a designated local centre and the surrounding area is primarily residential in nature it is close to a number of other commercial businesses. The application site is currently in commercial use as a catering company and all along High Street there are various commercial premises operating adjacent to residential properties. It is considered that the scale of the premise is appropriate in terms of the surrounding area and it is not considered that it would affect the vitality and viability of the surrounding area.
32. On this basis it is considered that a proposal of this nature would be a sustainable location for a new business development and would be acceptable in principle especially in light of the current B2 (light industry) use operating from the premises.

Residential Amenity

33. Policies H13, S7 and S10 of the Local Plan require that proposals that relate to the change of use of a premise including new shops and café developments are required not to have a significant adverse effect on the amenities of residents or the character and amenity of the surrounding area. Section 7 of the NPPF seeks to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings.
34. Although the surrounding area is predominantly residential in nature there are a number of commercial premises within the street including numerous shops (A1), a bank (A2), a hot food takeaway (A5) and a Church. Properties typically face out onto Front Street, a busy unclassified road. Therefore although the area is not designated as a local centre, residents would be used to some noise and disturbance due to the existing uses within the street and general traffic noise caused by the busy road.
35. The application site is already in commercial use being used for the preparation and production of food for outside catering, coach companies and retail outlets which is considered to be a B2 use (general industry). There are no specified hours of operation for this business however the most recent approval did limit the use of extraction equipment to between 7am and 5pm on any day of the week. The proposed use is for a tearoom/café to be open between the hours of hours of 7am until 3pm Monday to Friday, 7am until 12.30pm on a Saturday and closed on a Sunday.

Compared to the current situation, which includes the production of hog roasts, it is likely that the scale and type of food produced would be reduced in terms of quantity and odour. Details have been submitted in support of the application regarding the extraction system which is proposed to be from the existing kitchen extractor rather than the high level unit. Normally environmental health officers would expect higher level discharge however consider that the matter could be controlled through the imposition of a condition relating to the agreement of the fume extraction system.

36. Neighbours have expressed concerns that the change of use would adversely impact on their amenity due to the proposed hours of operation and the potential for noise and smells. That being said they live adjacent to a historic unrestricted B2 use which has been the subject of complaints in the past from neighbours. Indeed, when the last planning application was considered for the site, requests were made for consideration to be given to relocating the business because of its local impacts. Such uses would generally be regarded as non-conforming and are typically located on industrial estates rather than residential areas. As previously identified the principle of a retail/café premise is considered to be acceptable and would most likely be less intensive than the current use operating from the site especially in terms of smells and odours. Officers would consider that such a use is more compatible with the surrounding area. Comings and goings of customers could potentially be more frequent however would not be uncharacteristic of an area that benefits from a number of shops including convenience stores, hairdressers and a bakers. It is proposed to condition the hours of operation of the proposed business to 7am until 5pm Monday to Friday and 7am until 1pm on Saturdays. It is acknowledged that this would be for longer than is proposed by the applicant however any conditions imposed need to be reasonable. Given the existing uses in the street and that the current business is not restricted it is considered that overall this would result in an improvement for local residents.
37. Overall it is considered that the change of use to a restaurant and café would not result in a significant adverse impact on amenity over and above the current situation. If anything it is considered likely to lead to a reduction in the quantity and potential odour of the food produced as well as reduced hours of operation.

Highways

38. The site is located on High Street, a busy, unclassified road that runs through Carville. Most properties do not benefit from off road parking and rely on the dedicated car parking areas marked on the south bound carriage and they also use the opposite side of the road. A number of objections have been received from local residents and the Parish Council that include perceived highways related issues if the development was approved. These include additional demand for parking, the road will become more hazardous due to extra traffic, parked cars and people ignoring road markings and there could be damage to cars.
39. Colleagues in the highway section are satisfied that any additional parking demand could be accommodated within the existing parking arrangement. They were aware of the concerns raised by residents and have visited the site on a number of occasions and each time noted that there was parking availability. Indeed planning officers have also visited the site on several occasions and have not noted any parking problems. Issues such as cars parked illegally or damage to cars was not observed, and could not be taken into account in assessing the planning application.

40. High Street is a busy road which serves both residential properties as well as commercial businesses. It is not considered that the introduction of a restaurant/café business in lieu of a catering company would generate traffic significantly over and above the current situation that would justify refusal of the planning application. Furthermore, colleagues in the highways department have raised no objection to the proposal. On this basis it is considered that the proposal would accord with policies S7, S10 and T1 of the City of Durham Local Plan.

Neighbour Objections

41. The majority of the concerns raised by the local residents and the Parish Council have been addressed elsewhere in this report. Matters relating to concerns that the business would not adhere to their hours of operation, that the business may be used as a takeaway in the future and that there could be an impact to existing businesses are perceived problems that cannot be taken into account. Any future application to change the use of the premises would be assessed on its merits. Property devaluation is not a material planning consideration.

CONCLUSION

42. In conclusion, it is not considered that the introduction of a restaurant/café premises to replace an existing catering company would have any significant adverse impacts over and above the existing situation in terms of impact to residential amenity and highways safety. It is considered that hours of operation and extraction can be controlled by means of condition. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework and saved Policies of the current Local Plan.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved documents. Extraction details, site location plan, proposed plans and design and access and parking statement all received 05/01/2016, application form received 07/01/2016.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies H13, S7, S10, Q1, Q2 and T1 of the City of Durham Local Plan
3. The use of the premises for a mixed use comprising of retail and cafe shall be restricted to the hours of 7am until 5pm Monday to Friday, 7am until 1pm on Saturdays and no permitted opening on a Sunday.
Reason: In the interests of preserving the amenity of residents in accordance with Policies H13 and S10 of the City of Durham Local Plan.

4. Prior to the commencement of the development details of the fume extraction system, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of preserving the amenity of residents in accordance with Policies H13 and S10 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



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**Change of use from B2 to a mixed class use retail A1 and restaurant/cafe A3.
107A High Street, Carville, Durham, DH1 1BQ**

Comments

Date. 8 March 2016

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