



## Area Planning Committee (Central and East)

**Date** Tuesday 14 March 2017  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held 14 February 2017 (Pages 3 - 16)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) DM/16/03342/FPA - 40 South Street, Durham (Pages 17 - 28)  
Change of use from dwelling to 8 bedroom guest house with operators accommodation on first floor and care taker/night porter accommodation on ground floor. Consent for rear extension and retention of rear orangery (Amended description).
  - b) DM/16/03568/FPA - Land to the South of The Wynds, Esh Winning (Pages 29 - 48)  
Residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent (Amended Plans).
  - c) DM/16/03751/FPA - Durham Johnston Comprehensive School, Whinney Hill, Durham (Pages 49 - 68)  
Demolition of former Durham Johnston School, Whinney Hill and the erection of 75 no. dwellings with associated infrastructure, landscaping and car parking.
  - d) DM/16/03998/OUT - Finchale Training College, Newton Hall, Durham (Pages 69 - 92)  
Outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works.

- e) DM/16/01048/FPA - Harbour View Hotel, 18 North Terrace, Seaham (Pages 93 - 104)  
Demolition of derelict hotel and erection of four storey mixed use development.
- f) DM/16/02536/FPA - Shinwell Centre, North East Industrial Estate, Stephenson Road, Peterlee (Pages 105 - 118)  
Erection of 50 No. 2, 3 and 4 bedroom two storey dwellings with associated works.
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

6 March 2017

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

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**DURHAM COUNTY COUNCIL**

**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 14 February 2017** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

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

**Also Present:**

Councillors D Hall, G Holland, B Kellett and N Martin

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

No notification of Substitute Members had been received.

**3 Minutes**

The minutes of the meetings held on 13 December 2016 and 10 January 2017 were confirmed as correct records by the Committee and signed by the Chairman.

**4 Declarations of Interest, if any**

There were no Declarations of Interest submitted.

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

**a DM/16/03168/FPA - Land to the North of Rectory View, Crime Rigg Bank, Shadforth DH6 1LF**

The Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Planning Officer advised that Members of the Committee had visited the site and

were familiar with the location and setting. The application was for the erection of a detached dwelling house and was recommended for approval subject to conditions.

The Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that an access used by Northern Power Grid (NPG) would be sterilised by the application and NPG had been approached for their comments on three separate occasions, however they had failed to respond. It was noted that a replacement access to the remaining agricultural land had planning permission granted under delegated powers, with Highways considering that access to be safe and acceptable. The Committee noted that approximately 1 metre of hedgerow either side of the proposed access to the proposed property would need to be removed to allow for adequate sight visibility splays to be achieved.

Members noted representations from Shadforth Parish Council in terms of sterilisation of the existing field access and a possible precedent being set, Shadforth Parish Council recalling a recent refusal of an application for 10 dwellings to the south of Rectory View. It was added that there had been no objections from the other statutory or internal consultees. The Planning Officer explained there had been 23 letters of objection to the application, with reasons given including: development in the countryside; development within a Conservation Area (CA), highways safety concerns; loss of view; and issues of land ownership. It was added that concerns had been noted by the Local Members as regards the application.

The Planning Officer noted that in principle the proposed development was in line with the National Planning Policy Framework (NPPF), being considered to be sustainable and would not result in harm to the character of the area, the CA or the nearby Grade 2 listed building. Accordingly, the recommendation was for approval subject to the conditions as set out in the report.

The Chairman thanked the Planning Officer and noted there were several registered speakers and asked Councillor D Hall, a Local Member, to speak in relation to the Application.

Councillor D Hall thanked the Chairman and noted he had asked for the application to be called in for consideration by the Committee rather than be decided under delegated authority to ensure full scrutiny and challenge of the application.

Councillor D Hall noted that the application was within the context of a turbulent history of planning within the village, though accepting that each application was considered on its own merits. Councillor D Hall added that residents were very passionate in terms of protecting the character of the village and challenged applications to ensure the best and most appropriate development for their village. Councillor D Hall understood the frustrations of the applicant, and noted that they would have similar reasons in terms of protecting the application for where they wished to live. Councillor D Hall added that he felt the report was fair and gave the concerns as regards policy versus sustainable development and added that he felt the impacts were worth considering, set against the need for housing in the village.

The Chairman thanked Councillor D Hall and asked Mr C Turner to speak on behalf of the Shadforth Residents' Association in relation to the Application.

Mr C Turner thanked the Committee for considering the application rather than it be determined under delegated authority, as this had been a concern of the Residents' Association. Mr C Turner confirmed that the Residents' Association was passionate as regards the CA and the village and added that it was felt there was a conflict in terms of the need for building housing and development on greenfield sites.

Mr C Turner noted Policy E14 of the saved City of Durham Local Plan, the protection of hedgerows and suggested that the removal of hedgerow to enable sight lines was in contravention of this policy.

Mr C Turner added that the application was outside of the settlement boundary and was within the CA and it was important to protect the green boundary to the village and the proposed development was therefore in contravention of saved Policies E7 and H5 in terms of development in the open countryside, not being linked to persons linked to agriculture.

Mr C Turner noted concern as regards the applicant's statement, adding there was no acrimony, however, there had not been sufficient dialogue between parties and would happily meet with the applicant to help all understand each other's needs.

Mr C Turner noted it was not believed that the proposal was sustainable in terms of the NPPF nor in relation to any social, environmental or economic benefits. Mr C Turner added that there were 4, 4 bedroom properties which had been for sale for 3 to 4 years and explained that this would place pressure on existing housing.

Mr C Turner asked for the Committee to consider the points raised by those in objection to the application and to refuse the application.

The Chairman thanked Mr C Turner and asked Councillor B Kellett, the other Local Member for the area to speak in relation to the Application.

Councillor B Kellett noted he had made the point at the site visit earlier in the day that NPG had not responded in terms of the application and therefore it was not possible to say whether they were in favour or not in respect of the application. He added that whether correspondence had been lost in the post was for Members to make their own mind upon.

The Chairman noted that attempts had been made to speak to NPG as regards the application via telephone in addition.

Councillor B Kellett noted that there was a substantial underground structure, made of concrete, and as he understood, it was filled with oil. Councillor B Kellett added that on the corner there was disc shape, full of water after recent rain, and if access was required NPG would need to go via the end of the houses and to the rear of the properties and may require heavy plant to gain access in this fashion, which could prove difficult.

Councillor B Kellett added that further housing would put additional pressure on existing housing and added that development would be a visual intrusion to the landscape.

The Chairman thanked Councillor B Kellett and asked Mr J Elves, the applicant, to speak in relation to the Application.

Mr J Elves thanked the Chairman for the opportunity to speak to Committee and the Planning Officer for their report. Mr J Elves added that the development was not within what was referred to in statute as “greenbelt”, and was only partially within the CA. He added that those Members of the Committee who attended the site would be aware the site was not used for agricultural use, and was in fact a rather small site. It was explained that the proposed development would not affect any heritage assets; would not affect amenity; and that there was a nexus relationship between the proposed development and what was already built with the new access to the agricultural land having already been approved.

Mr J Elves noted that planning law set out that each application should be looked at on its own merits and added that the proposed development for a single dwelling only was very different from that for 10 houses previously refused elsewhere in the village. It was added that the site was adjacent to a significant hedge, separating the site from the agricultural land and added that the comments from the relevant statutory and internal consultees had answered all of the objectors’ comments.

Mr J Elves concluded by noting that the benefits of the proposed development had been demonstrated as outweighing any harm caused by development, he had faith in the probity and integrity of the Members of the Planning Committee, and that he would ask the Committee to grant the application.

The Chairman thanked Mr J Elves and asked the Planning Officer to comment on the issues raised by the speakers.

The Planning Officer explained that Officers were content that the application was in accord with the NPPF and added that in terms of saved Policy E14, the proposed small scale removal of 2 sections of hedge were not to the large hedgerow of importance that was located along the northern boundary of the site, rather to other hedgerows.

It was added that the issue was dealt with within a condition to protect that particular hedgerow. It was noted that the new field access had been properly considered under delegated powers, in line with the Officer Scheme of Delegation.

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

Councillor P Conway asked for clarification as regards the reference in paragraph 70 of the report in terms of site ownership, and wondered whether it was a case of a “sprat to catch a mackerel” in terms of a future application.

The Chairman noted each individual application must be considered on its own merits.

Councillor P Conway added that at paragraph 68, it had been raised several times, and again at the meeting by Councillor B Kellett, that NPG had not commented on the application and asked whether if Members were minded to approve the application, would it be possible to include such a condition to say that the applicant must accommodate NPG as regards any works or maintenance that may be required to their equipment. Councillor P Conway added that while he understood the application was within the CA and near to the Grade 2 listed building he could not see any harm being caused to the heritage asset from a single property. Councillor P Conway noted that paragraph 31 set out that the advantages of development were greater than the disadvantages and while there was some element in terms of harm in relation to Policies E7 and H5, he had to agree with the recommendation of the Officers.

Councillor M Davinson noted that within the conditions, No.9, page 50 of the agenda pack set out: "No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should..." Councillor M Davinson noted that he felt this was awful phrasing and that the likely element should be removed and added that he felt time of 8am Monday to Friday would be reasonable enough. Councillor M Davinson added that when on the site visit earlier in the day it was notable how narrow the road was and asked whether any plant, vehicles or building materials would be parked or stored along the highway, or could they all be accommodated within the application site.

The Chairman understood Councillor M Davinson's comment as regards the use of the word likely, and noted this could possibly be changed and asked for any clarity as regards materials at the site.

The Principal Planning Officer, Alan Dobie noted that if Members wished for the phrase to be amended to remove likely then this could be done. It was added that for this scale of development it was not usual to set controls in terms of site traffic, however again this was something that could be conditioned if Members felt it to be appropriate.

The Solicitor – Planning and Development, Neil Carter explained that as regards Councillor P Conway's suggestion in terms of an additional condition to allow for NPG to gain access, this was a private law matter for the landowner and NPG to negotiate and arrange outside of the planning process. Such a condition would not therefore pass the necessity test for imposition.

Councillor B Moir noted the Legal Officer's view and added that he had concerns as regards additional traffic behind existing buildings, however, he did agree with Officers in terms of the hedgerows and Policy E14. Councillor B Moir noted from a personal point of view the application did not excite him architecturally, however, he proposed that the application be approved in line with the Officer's recommendation.

Councillor P Conway noted that he felt NPG had a responsibility in the public's interest to be able to access their equipment and therefore he felt his suggested condition was reasonable.

Councillor J Lethbridge noted he had listened intently to the objections raised and was reminded of the impermeable nature of clay and the issues of potential flooding. He added that he did not think the issues raised in terms of the hedgerows were significant and that in terms of the NPG sub-station he would have felt the frequency of visits to the equipment would be low and was puzzled as regards the equipment being "a container for oil". Councillor J Lethbridge noted he did have some sympathy with the comments made by objectors in so far as their desire to maintain their village, however he did not feel there was sufficient reasons to say no.

Councillor C Kay noted that the sub-station was likely to be for High Voltage 11KV switchgear and that as the equipment was underground it was therefore likely to be oil cooled, however he felt this was not a material planning consideration.

Councillor B Moir moved that the application be approved; he was seconded by Councillor A Bell.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, but with the amendment as regards the wording to condition 9 and the additional condition to control site traffic etc as discussed.

### **b DM/17/00019/FPA - 45 Dalton Crescent, Neville's Cross, Durham DH1 4FB**

The Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation (HMO) and was recommended for approval subject to conditions.

The Planning Officer reminded Members of 2 purpose built student accommodation (PBSA) buildings, to be ready for use in September 2017. It was explained that the proposals were mainly in terms of changes to internal layout and that there had been no objections from statutory consultees. It was added that a figure of 8.2% had been returned when looking at Council Tax exempt properties within a 100 metre radius, below the level of 10% as set out within the Interim Policy on Student Accommodation. It was noted that this was the data used by the Spatial Policy Section, and the Council Tax data used was considered to be a robust data set.

Members noted objection from the City of Durham Trust on the grounds that while the concentration of HMOs within 100 metres was currently below 10%, there was planning permission for 2 large PBSA blocks close the rear of the property.

The Planning Officer added that there had been 20 letters of objection to the application, and not 19 as set out at paragraph 35, with 2 letters of support having been received. Members noted the reasons for objection and support were summarised and set out within the report.

The Planning Officer noted that in terms of the principle of development, data had shown that the density of student properties within 100 metres was 8.2%, less than the 10% set out within the Interim Policy on Student Accommodation. It was added that while there were 2 PBSAs that would be occupied from September, in terms of disturbance there would be a number of mitigation measures in place as regards levels of noise and a single HMO within such an area would not be so significant as to warrant refusal. It was added that there had been no objections from the Highways Department and that, as the proposals were considered to be in line with policy, the recommendation was for approval subject to conditions.

The Chairman thanked the Planning Officer and noted there were several speakers registered and asked Councillor G Holland, a Local Member, to speak in relation to the Application.

Councillor G Holland thanked the Chairman and noted that the determination of the application pivoted on a single point: does this addition of another C4 property in this locality take the total number of C4 properties above 10% within the immediate 100 metre vicinity?

It was explained that paragraph 22 of the Officer's report noted that Spatial Planning Policy had indicated that, applying the Interim Policy on Student Accommodation, 8.2% of the properties within 100 metres of the site were currently occupied as HMOs. It was noted however, in paragraph 25 of the same report, amongst the 20 or so objections, there was the claim that "The concentration of HMOs within the area was already over 10%." Councillor G Holland explained that for that reason he had asked the application be brought to Committee so that claim, and the associated Article 4 Notice, could be tested.

Councillor G Holland added that the report noted that there were 61 houses identified in this immediate vicinity relevant to the calculation and 5 of those houses were already classed as C4 properties using Council Tax criteria. It was explained that 6 houses at C4, to include 45 Dalton Crescent, would make it 9.8%, just allowed, but any number over that would exceed the 10% threshold.

However, apart from the 5 agreed houses that are HMOs, 4 other houses were identified by residents as being HMOs either with an unidentified C4 category or as a C3 acting as C4. Councillor G Holland emphasised that this was the crucial test of the validity of the application as even one of the 4 houses within this cluster would have taken the C4 category over the limit.

Councillor G Holland had therefore asked those making the claim to identify clearly any additional C4 properties in the vicinity but the information was, to his mind, inadequate. Councillor G Holland explained he also discussed the claim with the Case Officer prior to the Committee meeting to see if he could cast any light on these claims and his own research had indicated that the evidence was not robust.

Councillor G Holland concluded that in the absence of robust evidence, Committee would probably be unwise to turn down this application, however, his fellow Local Member; Councillor N Martin wished to ask further questions on this matter.

The Chairman thanked Councillor G Holland and asked Councillor N Martin, the other Local Member for the area to speak in relation to the Application.

Councillor N Martin explained that he had spoken to the Case Officer last week as regards the other 5 properties being used as C4 properties, with another 2 properties that were thought to be used as C4. Councillor N Martin noted that it would be interesting to note which 5 properties the Planning Officer had listed as HMOs as if they were not the same as the 5 Councillor N Martin knew about then the number of HMOs would be greater, and the application today would therefore take the density beyond 10%. Councillor N Martin asked if some of the properties were not Council Tax exempt, for example 1 person living in an HMO was not a student, did those properties count. He added that any sensible policy would count those properties, with those HMOs having a majority of students living there.

Councillor N Martin added that in regards to the 2 new PBSAs, some parts were less than 100 metres away, and as PBSAs were divided in terms of Council Tax exempt properties, and that some parts would be empty and therefore "Council Taxable" within the 100 metre radius in September 2017. Accordingly, Councillor N Martin noted that he felt that the Committee should consider that the density would be greater than 10% in 6-7 months' time and therefore the policy would be breached. It was added that it was another case of over-studentification, which was what the Interim Policy on Student Accommodation was all about. Councillor N Martin noted that many students in this area would be postgraduates, however the spirit, if not the letter of the policy was being breached. Accordingly, Councillor N Martin asked that the Committee turn down the application.

The Chairman thanked Councillor N Martin, adding that he felt knocking on doors to canvass whether students were occupying a property would not give professional and robust information.

The Chairman added that while Councillor N Martin was asserting that policy may be breached in the future, the Committee must look at the application in front of it today, with the information given to Members stating a current density of 8.2% and Councillor G Holland noting that should the application be granted that this would take it to 9.8%. The Chairman added that he was uncomfortable with anecdotal evidence, feeling that was not a professional or sound basis for Members to make decisions.

The Planning Officer explained that the PBSAs were currently unoccupied and the Interim Policy on Student Accommodation stated “already in use” when considering HMOs. It was added that information as regards the 5 properties which had been identified from Council Tax records as HMOs was subject to data protection. The Solicitor – Planning and Development noted personal data could not be divulged.

Councillor N Martin noted he resented being called unprofessional. The Chairman noted he had not called Councillor N Martin himself unprofessional, rather that anecdotal evidence as a basis for decision making was unprofessional.

Councillor N Martin reiterated that he was not asking for a specific individual address or details, rather just to confirm that the 5 properties he had identified as HMOs were the same as identified by the Authority. He added that he was asking as a matter of fact and felt that it was not a data protection issue. Councillor N Martin noted that if they were not the same then this was evidence of additional properties. Councillor N Martin added he did not see where the specific personal data would be in this exchange.

The Solicitor – Planning and Development noted he disagreed and felt there would be a data protection issue. The Solicitor – Planning and Development added that the criteria as set out in the Interim Policy on Student Accommodation was for 10% density, based upon Council Tax exemptions, not from other data sources and therefore he felt that it was not possible to depart from what was set out in the Policy.

The Chairman asked if Officers from the Spatial Policy Section could help clarify some of the issues.

The Spatial Policy Team Leader, Graeme Smith noted that the information used was Council Tax exemptions, “any property wholly occupied by students”, as per Class N. It was added that the dataset used was Council Tax records from June 2016 and the bespoke figure for the 100 metre radius around the property being considered was generated from this. It was reiterated that the Interim Policy on Student Accommodation set out the 100 metres and use of Council Tax exemptions. It was explained that nationally the use of Council Tax exemptions had been recognised by the Planning inspectorate and the method was gaining currency as a way of understanding student densities.

The Spatial Policy Team Leader added that there were very specific terms and conditions in the use of Council Tax data and any information that could give away personal details was not permitted, hence the information being presented as a percentage figure.

The Spatial Policy Team Leader added that looking at the issue of alternative data sources there were 2 considerations, firstly it was not as proscribed by the Interim Policy on Student Accommodation and secondly it was likely that the data would be less reliable than that from Council Tax records, with Council Tax records being one complete dataset, compiled at the same time using a consistent methodology.

The Chairman reiterated that he wished for matters to be conducted professionally and for respect between the Chair, the Committee, and other Councillors.

The Chairman thanked the Local Ward Members and Officers for their comments and asked Mr A Todd, the applicant to speak in relation to the Application.

Mr A Todd noted that he was a graduate of Durham University and explained he had lived at 45 Dalton Crescent for 7 years and had hosted students and was not aware of any negative issues in terms of student behaviour in the area.

Mr A Todd explained that he had checked with the Planning Department prior to application to find the density of student accommodation was 8.2% and therefore on that basis he had then moved to the full planning application stage. Mr A Todd reiterated that there were not major structure changes, rather a change of use and internal layout changes and added that a Management Agent would be used and therefore they would check references of potential tenants. It was added that there would be no more than 2 cars permitted at the property.

Mr A Todd concluded by noting that the application would not breach the 10% student density as set out in the Interim Policy and there had been no objections from the statutory and internal consultees, including Highways and therefore he would ask the Committee to approve the application as per the recommendation.

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

Councillor P Conway noted he felt the debate was becoming similar to “how many angels could dance on the head of a pin” and added that the issue was regards data being such that density of student properties was 8.2%.

Councillor P Conway added that he noted the data was from June 2016 and would have hoped for a later baseline. Councillor P Conway added that, in terms of the data collected, there appeared to him to be a discrepancy between those registered and those not registered as Council Tax exempt and however unsatisfactory this baseline was felt to be, he felt that on the basis of the Interim Policy it must be accepted. Councillor P Conway added that the property was a reasonable town house and he felt intuitively that he should oppose the application; however he could not on the basis of the facts.

Councillor D Freeman noted he had some concerns and was not convinced by the arguments in terms of the student density put forward by Officers and felt that Councillor N Martin’s questions had not been answered. Councillor D Freeman added that that Council Tax data was June 2016, however the majority of the changes to student population were in September/October of each year and therefore he felt it could be argued that the data was not sound.

Councillor D Freeman also felt that in the approval of the 2 PBSAs near to the application meant that in effect that the density would end up greater than 10% and that this had been accepted by the Council. Councillor D Freeman noted that as he was unhappy with the information provided, he did not support the application.

Councillor M Davinson noted the points that had been raised; however, the Interim Policy on Student Accommodation was in place and therefore was to be used. Councillor M Davinson noted the issues of whether the policy was fit for purpose or in terms of the robustness of data could be argued, however, the application was for determination with the current policy and using the data as provided.

Councillor J Lethbridge reflected upon the colliery houses from the 19<sup>th</sup> Century and how, whilst compact accommodation, they were built to last. He added he was not impressed by the architecture of the properties in the area being considered and he imagined that the buildings would look sad in a few years' time. Councillor J Lethbridge felt that the issues raised deserved examination and also we should look to have families living in such areas to avoid a "desertification" of our City and allow students to take over. Councillor J Lethbridge noted that as Councillors P Conway and M Davinson had pointed out the Committee must go with the policies that were in place.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor P Conway.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out in the report.

### **c DM/16/02578/OUT - Dunelm Stables to the rear of Dunelm Road, Thornley**

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for residential development (outline) with details of access and layout, and was recommended for approval subject to conditions.

Members noted that the application site was just outside of Thornley with the site being historically used for stabling and trotting, although the site was currently vacant. It was added that areas to the south and east were open countryside, and the larger site bounded black on the plan was not part of the application, just the area bounded red. It was reiterated that the application was an outline application, for 13 dwellings on a self-build basis, with access and layout being considered within this application, access being taken from the north.

It was explained there were no objections from statutory or internal consultees and a number of representation had been received from the public, with 20 letter of support and 10 letters of objection to the application. It was noted that the main concerns raised were in relation to increased traffic and highway safety.

The Planning Team Leader (Central and East) added that the area was within the Strategic Housing Land Availability Assessment (SHLAA) and was considered to be

sustainable and in accordance with the NPPF. It was noted that the Highways Department considered the access and parking provision to be acceptable, and it was added that access was to be constructed prior to construction beginning in terms of properties. Members learned that the layout suggested good quality, with sufficient space and all minimum separation distances were met. The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval subject to conditions and a Section 106 legal agreement to secure the provision of recreational facilities within the Electoral Division.

The Chairman thanked the Planning Team Leader (Central and East) and noted there were no registered speakers and therefore asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that it was a good site; however the main issue appeared to be access although he noted that the demolition of the end property to allow for access works was a civil matter between the developer and the owner of the adjoining property. He added that he wondered whether access had not been an issue in the past and also he was not happy as regards the situation in terms of this end house. Councillor A Bell asked whether it would be possible to make the access as wide as possible without demolition of a property and if there had been not incidents in the past would this not be acceptable in highways terms.

The Chairman noted he too had empathy as regards the situation, however it was a civil matter as mentioned and asked the Highway Development Manager, John McGargill to respond as regards highways issues.

The Highway Development Manager explained that the width of the access was not the only issue, also the removal of the property would improve sight lines and that additional traffic would mean an increased risk, though he was not aware of there being significant access issues in the past. Councillor A Bell asked if Highways would have objected if the property was not to be removed; again understanding the demolition was a civil matter. The Highways Development Manager explained that Highways would have objected in terms of sight lines.

Councillor D Freeman noted that paragraph 44 of the report referred to future development plans for the wider area, with an approximate density of 80 units and asked would this have any bearing on the access issues. The Chairman reiterated that each application was considered on its own basis. The Highways Development Manager noted that the sight lines and issues of visibility would be relevant for 13 or 100 units.

Councillor M Davinson noted similar concerns as regards a previous application in terms of the wording of condition 5, to remove "likely" and also noted paragraph 31 in terms of the Campaign for the Protection of Rural England (CPRE) having no objections to this application, though would object to the development of the larger site in the future. Councillor M Davinson noted the concerns of the resident of the property that adjoins the dwelling which was proposed for demolition and also asked whether the contribution of £500 per dwelling was low in terms of a Section 106 Agreement.

The Planning Team Leader (Central and East) noted that the £500 per property was the rate for the area which equated to the former Easington District Council area.

Councillor M Davinson moved that the application be approved subject to the deletion of part of condition 5; he was seconded by Councillor G Bleasdale.

## **RESOLVED**

That the application be **APPROVED** subject to the Section 106 Agreement, the conditions detailed in the Officer's report to the Committee, and the amendment as regards the wording to condition 5 as discussed.

### **d DM/16/03803/FPA - Land south of Brackenhill Avenue, Shotton Colliery**

The Planning Team Leader (Central and East) gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 construction of 42 No. 2 and 3 bedroom affordable dwellings with associated infrastructure and was recommended for approval subject to conditions.

Members were asked to note that the Applicant had submitted some information on various conditions and therefore it was suggested that this information could be considered by Officers alongside the progression of the S106 legal agreement and where necessary the conditions would be amended to reflect that. Members noted that a previously refused application for this site had also been dismissed on appeal by the Planning Inspector, however, it had been noted at that time that the site was suitable for development in principle. Subsequent to this a further application had been submitted in July 2015 and development for 44 dwellings had been approved. The Planning Team Leader (Central and East) explained that the application was a full planning application for 42 dwellings, 8 of which would be bungalows, 100% to be affordable rent properties managed by a registered housing provider.

The Committee noted no objections from statutory or internal consultees subject to conditions, and one letter of objection had been received, citing concern as regards traffic congestion, lack of infrastructure and lack of school places. The Planning Team Leader (Central and East) reminded Members of the extant permission as regards 44 dwellings and highlighted that a development of 100% affordable rent properties was welcomed, though it was highlighted that the Authority could only stipulate 10% affordable, with the other 90% being on a voluntary basis by the developer.

The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval, subject to conditions and a Section 106 legal agreement to secure the provision of: affordable housing; a contribution towards the scheme to reduce the number of access points to Special Protection Areas as

identified in the Durham Heritage Coast Partnership's Business Plan 2014/15; and a contribution towards enhancement or provision of play facilities in the Shotton and South Hetton Electoral Division.

The Chairman thanked the Planning Team Leader (Central and East) and asked Mr A Willis, agent for the applicant, to speak in relation to the Application.

Mr A Willis thanked the Chairman and Committee for the opportunity to speak and noted he endorsed the report and recommendation made by Officers. It was added that the applicant had worked hard with Officers from the Authority and the registered provider, and was more than happy to answer any questions Members may have. He said that anything which could be done on the conditions would be appreciated by his client.

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

Councillor S Iveson asked what affordable meant, what was the figure in terms of rent. Councillor J Clark added that this was not the first time the application site had been considered and while highway concerns seemed to have been addressed, she was puzzled as regards the comments in terms of infrastructure and school places. Councillor M Davinson noted the inclusion of bungalows was welcomed and asked as regards working hours during construction, given a number of properties nearby.

The Planning Team Leader (Central and East) noted that condition 10 set out a construction management plan and would need to be agreed with the Authority and this would take into account working hours during construction.

Councillor J Clarke noted it may have been useful to have consultation as regards the possibility of one of the bungalows being utilised by those with special needs, though the inclusion of a construction management plan within the conditions was welcomed.

Councillor A Bell asked as regards the queries raised in terms of infrastructure and the Planning Team Leader (Central and East) reiterated that the internal consultees had noted no issues in terms of infrastructure and capacity within the areas in terms of school places.

Councillor A Bell moved that the application be approved; he was seconded by Councillor K Shaw.

## **RESOLVED**

That the application be **APPROVED** subject to the Section 106 Agreement, the conditions detailed in the Officer's report to the Committee.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/03342/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use from dwelling to 8 bedroom guest house with operator's accommodation on first floor and care taker/night porter accommodation on ground floor. Consent for rear extension and retention of rear orangery. (Amended description)
<b>NAME OF APPLICANT:</b>	Mr Nigel Gadd
<b>ADDRESS:</b>	40 South Street, Durham.
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961 susan.hyde@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1 No.40 South Street is a mid-terraced residential property located on the main (west) side of South Street which is possibly the finest street in the city centre in terms of its historic interest and architectural diversity. The site lies in the Conservation Area and although the application site is not listed the majority of properties on this street are listed buildings. The elevated street has fine views eastwards across the River Wear gorge to Durham World Heritage Site, and the rear is bordered by the graveyard of St Margaret of Antioch Church in Crossgate. The front street elevation maintains a high level of original character whereas to the rear many of the properties have been altered and extended over the years, these are generally confined to the smaller rear yard spaces, with the long narrow gardens and old stone and brick boundary walls adding to the setting of the properties.

2. Planning permission is sought for the change of use of No.40 South Street named "Grafton House" from a residential dwelling to form an 8 bedroom guest house. In addition accommodation for the applicant is retained on the first floor and night porter accommodation is proposed on the ground floor which includes a proposed single storey infill extension to the rear. Consent is also sought to retain a single storey rear orangery extension.

3. The application is being reported to Committee at the request of Councillor Freeman as local residents consider the application will be detrimental to residential amenity and create transport issues, waste and noise issues.

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### PLANNING HISTORY

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4 Planning consent granted in 2005 for the change of use from residential dwelling to a guest house.

5. Planning consent was granted in 2005 for the erection of first and second floor pitched roof extension to rear of existing building to extend the guest house accommodation.
6. Planning consent was granted in 2008 for partial use of the existing guest house as a restaurant.
7. In 2010 planning consent was granted for the change of use from guest house to single dwelling with associated fenestration changes
8. In 2015 planning permission was submitted for the change of use from dwelling to 8 bedroom guest house (all with en suites) with operators' accommodation on the second floor and care taker / night porter accommodation on the ground floor as well as consent for a rear extension and retrospective consent for an orangery to the rear. This application was withdrawn from consideration prior to being determined.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

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

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

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

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

14 NPPF Part 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

### **LOCAL PLAN POLICY**

15 Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation

Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

16 Policy E16 (Nature Conservation) requires development proposals, where appropriate, to identify any significant nature conservation interest that may exist on or adjacent to the site, avoid unacceptable harm to such interests and provide mitigation measures to minimise unacceptable adverse impacts that cannot be avoided.

17 Policy E21 (Historic Environment) states that the historic environment of the district shall be preserved and enhanced by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site, and encourage the retention, repair and re-use of buildings and structures which are not listed, but are of visual interest.

18 Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details

19 Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by only permitting alterations and extensions to listed buildings which are sympathetic in design, scale and materials; not permitting alterations to architectural or historic features which adversely affect the special interest of a listed building; not permitting total or substantial demolition of a listed building; and, not permitting development which detracts from the setting of a listed buildings.

20 Policy H13 Residential Areas - Impact upon Character and Amenity

21 Policy V6 Visitor accommodations within Settlement Boundaries

22 Policy T10 Parking – General Provision

23 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.

24 Policy Q9 Residential Amenity

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP and a new plan is being prepared. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27 Highway Officer – Have raised no objection and consider the site is in a sustainable location where a range of public transport choices are available close to the site. They note parking is restricted on South Street.

### **INTERNAL CONSULTEE RESPONSES:**

28 Design and Historic Environment Officer – Raised no objection to the change of use to the guest house or the orangery or the proposed rear extension. Conditions are proposed to improve the appearance of the wall facing St Margaret's Cemetery.

29 Environmental Health Officer – Considered that the noise from guests arriving and leaving the building is domestic in nature and therefore acceptable in a residential area. Raised no concerns with regard to odour from cooking or from the bin storage.

### **PUBLIC RESPONSES:**

30 The application was advertised in the press, on site and in the locality by letters to the neighbours. 11 individual letters of objection have been received and these include an objection from Roberta Blackman Wood MP and the City of Durham Trust. The application was re advertised to include reference to the rear extension and a further 2 letters of objection were received.

### **Summary of objections to the proposal**

31 The proposal will bring additional cars onto an already busy street that is very narrow in places.

Car parking on South Street has become critical recently with the approval that has recently been granted for residential development on the garage site at Pimlico. Cars currently park on the pavement that obstructs use of the pavement.

Concern that rooms will be let out to students

Concern the proposal will lead to noise and disturbance from people arriving and leaving and taxis picking up and leaving at unsocial hours.

Consider the proposal will contravene Policy H13 as it will have a significant effect on residents

Concern the property will be used as a property in multiple occupation which would be contrary to Policy H9 as there is no adequate parking and it will have a detrimental impact on neighbours.

When the property operated as a boutique hotel in the past it caused many problems for residents in relation to parking problems, noise and disturbance from occupants and particularly from taxis dropping off and picking up.

Concern that the correct notices for development have not been served on the neighbouring Church – St Margaret of Antioch.

The orangery extension is already built and affects neighbours privacy and is out of keeping with the existing historic dwelling.

A solid fuel stove is installed in the orangery which causes problems from smoke affecting the neighbours house and garden,

South Street is a residential street with families living in it and a commercial use is not appropriate here.

The proposed extension in addition to the orangery will leave the property to be too big to convert back to a single dwelling.

Smells from the kitchen will affect the residential amenity of residents

Deliveries and collection of glass to the bed and breakfast will detract from the residential amenity through noise and parking blocking the road.

Concern that the extensions have extended over too much of the outdoor space / garden area.

Concern that the orangery is already built without the benefit of planning permission.

Concern that the 'orangery' is not an accurate title for a room that is used for accommodation.

## **APPLICANTS STATEMENT**

32. I'd like to allay concerns that this application is intended to obtain a sub-divided multiple occupancy student plot. That is not our client's intention. This venture is pure to provide Durham with a high end Guest House at which the applicants will also reside full time.

33. It looks like the main concern of the local residence is the impact on the limited parking on the street. This point will be made explicitly clear in the Guest House literature & on the Website, as it's very much in the interests of the applicants as much as the neighbouring residence. Their overriding desire has always been to give their patrons the best experience possible during their stay, with parking / travelling to & from the property. Appreciating the parking restrictions a taxi service is to be provided for the customer's convenience to take guests to & from the Train/Bus Station to Grafton House & onto wherever they require in the local area. Again in the Grafton House literature it will clearly offer this service & suggest to the patrons where possible, it may not be necessary to bring a car & the point will clearly be made that they should seek other sustainable means of transport to enjoy the city. As our clients are long standing hoteliers they do have the experience & knowledge of this. In addition & as stated previously, the property is already a 7 bed house which could quite easily be occupied by a large family all above the driving age.

34. Regarding deliveries & refuse collection, as the Guest House will only accommodate 8 bed rooms which is a comparatively modest number, linen deliveries will be picked up & dropped off in the applicants own domestic vehicle. In addition the food supply will simply be an increase in their weekly shop. This eliminates any requirement for larger delivery vehicles to visit the address regularly & minimises any impact on neighbouring properties. The home is already a 7 bedroom house which if fully occupied by a large family would generate more waste than as a Guest House, so again allowing the change of use will not exasperate the refuse collection that could not easily already be the current situation.

35. Lastly, regarding the retrospective element of the application as stated in the Design Access Statement, at the time of the build this was simply & wrongly assumed to fall under the laws of Permitted Development. As the agent appointed to prepare this application we advised that retrospective approval be sought at the same time in an attempt to rectify this anomaly.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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36 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, access and parking, impact on the conservation area and heritage assets, residential amenity, and any other matters raised by objectors.

### **Principle of development**

37 The application is for the change of use of the existing dwelling to guest house accommodation and for the single storey extensions to the rear. Guest houses fall within use class C1 which is a separate use class to family houses and to houses in multiple occupation. Policy V6 of the City of Durham Local Plan supports new visitor accommodation or extensions to existing visitor accommodation within the settlement boundary provided the development is appropriate to the scale and character of the area and that it does not conflict with other policies in the plan.

38 In this case the site lies in a central location in Durham City within the settlement boundary. As such the principle of both the change of use and the extensions is acceptable subject to the impact on the other material planning issues discussed below.

### **Access and Parking**

39. Policy T1 requires development that generates traffic not to detract from highway safety and not have a significant effect on the amenity of occupiers of neighbouring property. The County Highway Officer was consulted on the application and has commented that given the city centre location, sustainable transport modes are easily accessible and as such all guests do not require on street parking. Parking restrictions apply on South Street and the adjacent streets which will restrict the business and visitor parking permits available for this property. The County Highway Officer therefore does not object to the development on highway grounds.

### **Impact on the Conservation Area, Heritage Assets and Design Appraisal.**

40. Policy E6 and E22 require the special character and appearance of Durham City to be preserved. In addition the design should be in keeping with the host property and the street scene.

41. The property 40 South Street was put forwards for listing in 2005 but assessment by English Heritage concluded that despite noting the buildings strong fascade making a positive contribution to the conservation area, it falls short in terms of sufficient special historic or architectural interest in the national context to merit its listing. This decision was appealed by the City of Durham Conservation Officer at the time stating that the assessors report did not fully recognise the quality and significance of the internal spaces of the building, but the outcome of the appeal was again not to list the property. Despite the above Grafton House is a non-designated heritage asset and occupies two plots in South Street and Conservation Officers consider it is an almost complete Edwardian remodelling of two 18th century properties into one dwelling.

42. Conservation Officers have noted that the reuse of historic buildings and maintaining them in active use can be challenging particularly when proposals seek to change the use from their original use. In this case the building is reverting back to a previous consent and the alterations would be simple to execute and again reverse.

43. In relation to the rear orangery constructed without consent, orangery type extensions of this nature are commonly found on, and suited to, large domestic properties. Historically they were added to fashionable residences from the 17th to the 19th centuries giving a classical architectural form. As such it can be considered in keeping with the general period and character of the building on the rear that is less architecturally embellished than the frontage. This is reinforced by including rendered/heritage brick walls, timber painted doors and timber roof lantern, and stone copings that give a traditional appearance matching the details and finishes of the main house. It has also been constructed off the later 3 storey extension approved in 2005, which is appropriate in preserving what remains of the original rear elevation of the main building while creating an attractive courtyard arrangement around the external space.

44. The building is not listed and the buildings evolution would remain appreciable with the extension being subordinate and creating a clear hierarchy of built forms. The unauthorised extension is concealed from public view and it causes no adverse effect to the special interest of the property itself, the surrounding conservation area or the setting of the world heritage site. The Conservation Officer therefore considers that the design, siting and appearance of the orangery is acceptable.

46. The reinstatement of the rear churchyard boundary wall improves the current unauthorised situation. It is acknowledged that the ideal scenario would be to rebuild the rear elevation of the orangery so that the boundary wall can be fully and authentically reinstated without encroachment into the churchyard with the orangery set behind. However this is not the application that is submitted. The proposal seeks to retain the orangery as built and then construct a new section of traditional stone walling abutting the built wall. The Conservation Officer has confirmed that this would mitigate the impacts to an acceptable level, and it is believed that this has been agreed with the Durham Diocese prior to the submission of this application with the Chancellor willing to grant a Faculty approval.

47. It is also appropriate that the rear walling of the orangery would remain rendered against the new stone walling in order to provide clarity and definition between the two elements. It is important to point out that the above is seen as a sympathetic solution to mitigate the unauthorised works and should not set a planning precedent. The loss of further sections of original stone walling around the backs of the properties along South Street should be strongly resisted in the future where works can be controlled under statutory powers.

48. Infilling an area of what is effectively 'dead space' with a further small extension merging into the orangery is also considered acceptable with regard to siting, materials and design. It is acknowledged that this combination results in two extensions perceived as a single mass across the full width of the rear plot, which ordinarily is resisted, but in this instance the extensions taken together would be of an acceptable scale and design compared to the substantial building constructed over two plots. The boundary wall of the church yard is retained and the extension is located behind the wall.

49. The change of use of the building and the operational development to the rear to form the single storey extensions are not considered to detract from the setting of the Conservation Area or the adjacent listed building or the world heritage site. Thus, the proposal would be considered to be in accordance with policies V6, Q9, E6, E22 and E23 of the Local Plan, Part 12 of the NPPF and Section 72 of the Planning (Listed Buildings and

Conservation Area) Act 1990 as preserving the character and appearance of the Conservation Area.

### **Residential Amenity**

50. Policy H13 requires planning permission to be withheld for changes of use that have a significant adverse effect on the character and appearance of a residential area or the amenities of residents within them. The impact on the appearance of the area has been discussed above and this section will consider the impact on the amenities of residents.

51. The existing property has no off street parking and all parking is available on street or in car parks away from the site. The County Highway Officer has noted that the site is located in a sustainable location where a range of alternative transport options are available to guests. Although not of planning material weight the applicant has clarified that marketing of the property will clearly acknowledge that no private parking is available with the property and that sustainable means of transport, or parking away from the property, is encouraged.

52. The County Council's Environmental Health Officer has also carefully assessed the application and has commented that the potential noise associated with the development is mainly noise from visitors arriving / departing. Considering the type and scale of development and nature of the residential area he does not consider that noise of this kind is likely to significantly impact on neighbouring properties. However he does acknowledge that it is likely that there will be an increase in later night access due to guests partaking of Durham's night-time economy. Noise such as described above is associated with residential uses, however it is likely to be increased by virtue of the increased number of people utilising the property. The County Environmental Health Officer does not consider that the increase would be significant enough to materially detract from the residential amenity of neighbouring residents.

53. With regard to odour the County Environmental Health Officer has carefully considered the existing kitchen and flue and considers it is adequate for the commercial breakfasts proposed in the guest house. He has also noted that the enclosed bin store is adequate subject to it being managed effectively by the applicant.

54. Policy Q9 also requires alterations or extensions to residential properties to respect the privacy of adjoining neighbours. The effect of the use of the property as a guest house on the privacy and amenity of adjacent residents is considered acceptable, with a three storey full height extension to the south, and the premises to the north separated from the application site by a long single storey pitched roof extension. Bedroom windows are predominantly to the front of the building to take advantage of the views of the Cathedral, and to the rear which looks onto the graveyard. It is noted that comments from residents about the impact on overlooking windows is restricted to the impact on a bathroom window which is considered to be a non-habitable window.

### **Additional matters raised by objectors.**

55. Residents have raised concerns that the property will be used as student accommodation or a house in multiple occupation. The application is for a guest house which falls within a C1 Use Class. If the property was then proposed to be used as a house in multiple occupation this would fall within a different use class (Class C4) and planning permission would be required for such a change. Officers do not consider that the change of use to a guest house would imply any precedent for the acceptability of subdivision of the property for such a change of use.

56. Residents raised concerns that the correct notices have not been served as part of the site is located outside the applicants' ownership. The applicant has served notice on St Margaret of Antioch Church whilst the planning application has been submitted and so Planning Officers consider that now the correct notices have been served.

57. Residents have also raised a concern that the property will be too big to change back to a dwelling following the guest house use. The size of the existing property is substantial and is in operation now as a single dwelling. The size of the proposed extension is relatively small at 3 metres by 4.2 metres and is not considered to detrimentally affect the option to revert the property back to a single dwelling.

58. Concern about a wood burning stove creating residential amenity problems from smoke entering the adjacent dwelling and garden is a matter than can be considered by separate legislation as Durham City is a smoke free area.

59. Residents are concerned that commercial deliveries to and collections from the premises will block the road and be inconvenient to residents. As residents are aware South Street is narrow with on street parking and so it is acknowledged that some temporary disruption may occur as is the case on many of the historic streets in Durham. This would not provide a reason to withhold planning permission, given the limited nature of the development.

60. Concerns are also raised that the existing and proposed extensions have significantly reduced the garden area for the property. It is acknowledged that the resulting amount of garden area is limited but this is a city centre location where large garden areas are not commonly found. Policy V6 on visitor accommodation does not require a minimum amount of outdoor space and the property does provide an adequate bin store and landscaped courtyard for occupants.

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## **CONCLUSION**

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61. The existing property at 40 South Street is a substantial mid terraced property which is a non-designated heritage asset in the City of Durham Conservation Area. Planning policies support the introduction of visitor accommodation in the settlement boundary and although this property does not have the benefit of private car parking it is centrally located and benefits from good public transport links. The effect of the use of the property as a guest house on the privacy and amenity of adjacent residents is considered acceptable. The proposal is therefore considered to conform with NPPF Parts 7 and 12 and Local Plan Policies V6, Q9, E3, E6, E22, E23, E24, H13 and T10, as well as Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The recommendation is therefore for approval with conditions.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within following documents validated on the 23<sup>rd</sup> November 2017.

#### Site Location Plan

01 GRAFTON HOUSE FORMER EXISTING LAYOUTS  
02 GRAFTON HOUSE AS BUILT LAYOUT  
03 GRAFTON HOUSE PROPOSED REAR ELEVATION  
04 GRAFTON HOUSE FORMER EXISTING EXTERNAL ELEVATION  
05 GRAFTON HOUSE CURRENT AS BUILT EXTERNAL ELEVATION  
06 GRAFTON HOUSE PROPOSED ELEVATION

#### Heritage Statement

Reason: To secure an acceptable form of development that meets the objectives of Policies V6, Q9, E3, E6, E22, E23, H13 and T10 of the City of Durham Local Plan 2004.

3. Within 3 months of this planning consent precise details of the stone churchyard wall construction including material samples, laying pattern, mortar mix and method of pointing and coping stones shall be submitted to the Local Planning Authority and approved in writing. The stone churchyard wall shall then be implemented within 6 months of the date of this planning permission.

Reason: In the interest of visual amenity and historical accuracy to replace the stonework on the churchyard boundary wall of St Margaret of Antioch Church. R This is in accordance with Policy E6, E22 and E23 of the City of Durham Local Plan 2004.

4. Before the development begins samples of the colour, finish and render on the rear extensions shall be submitted to the Local Planning Authority and approved in writing. The development shall then be finished in the agreed materials.

Reason: In the interest of visual amenity and historical accuracy to replace the stonework on the churchyard boundary wall of St Margaret of Antioch Church. R This is in accordance with Policy E6, E22 and E23 of the City of Durham Local Plan 2004.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

The National Planning Policy Framework

National Planning Practice Guidance Notes

City of Durham Local Plan 2004

Statutory, internal and public consultation responses

Emerging County Durham Plan




  
**Planning Services**

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Change of use from dwelling to 8 bedroom guest house with operators accommodation on second floor and care taker/night porter accommodation on ground floor. Consent for rear extension and retention of rear orangery. (Amended description)

**Date**  
**March 2017**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03568/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent. (Amended plans)</b>
<b>NAME OF APPLICANT:</b>	<b>Galliford Try Partnerships North Ltd</b>
<b>ADDRESS:</b>	<b>Land To The South Of The Wynds, Esh Winning</b>
<b>ELECTORAL DIVISION:</b>	<b>Deerness</b>
<b>CASE OFFICER:</b>	<b>Susan Hyde Planning Officer 03000 263961</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a 1.3 hectare parcel of land 500 metres to the east of Esh Winning Centre and was previously the site of Esh Winning library and community centre with associated car parks and outdoor space. The site has now been cleared of buildings and benefits from having a mature belt of trees to the north west and south east of the site. There are also trees within the site.
2. To the west of the site is the existing residential development of The Wynds, to the north is a cemetery and beyond that a further residential housing estate and to the east is the recently purpose built primary school. To the south of the site is Station Road and beyond which is open countryside. The site is considered to be a mixture of brownfield and greenfield land. The land slopes from north to south and includes a distinct change in levels.

### The Proposal

3. This application proposes the construction of 50 residential dwellings with associated works. All the properties are proposed to be affordable housing and proposed to be houses for rent. The application is a full application with all matters being considered.
4. Access to the site is via Cemetery Road that borders the site to the west that also provides access to the primary school and residential properties. Two vehicular access points are proposed into the site which reflects the change in levels on the site with the streets forming two cul de sacs.

5. The proposed house types are a mixture of two bedroom and three bedroom terraced houses and two bedroom bungalows. Both cul-de-sacs provide a mixture of house types.
6. The tree belts to the north east and south west of the site that flank The Wynds and Station View are both proposed to be retained. The two tree belts are located outside the rear gardens of the dwellings to and are proposed form general amenity space. Other trees within the application site will be lost to accommodate the development.
7. The application is being reported to Planning Committee as the development constitutes a major residential development comprising of more than 10 dwellings.

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## **PLANNING HISTORY**

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There is no planning history on the site.

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## **PLANNING POLICY**

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### **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. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 13 NPPF Part 6 Delivering a wide choice of high quality homes. To boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

- 14 NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 15 NPPF Part 8 Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
- 16 NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
- 17 NPPF Part 11 Conserving and Enhancing the natural Environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

## **LOCAL PLAN POLICY:**

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

- 18 Policy E14 Existing Trees and Hedgerows sets out that a full tree survey will need to be carried out to accompany planning applications when development may affect trees inside or outside the application site.
- 19 Policy E15 New Trees and Hedgerows. Trees and Hedgerows planting is encouraged.
- 20 Policy E22 Conservation Areas sets out that the Local Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing and architectural features.
- 21 Policy H3 New Housing Development in the Villages. New housing development comprising windfall sites of previously developed land will be permitted within settlement boundaries.
- 22 Policy H12 – On sites of 15 or more dwellings and where a local need exists the Council will negotiate 20% affordable housing.
- 23 Policy H12A – The type and size of houses will be monitored and if there is a need for a particular type of house this will be negotiated.
- 24 Policy H13 - The Character of Residential Areas sets out that planning permission will not be granted for new development or changes of use that will have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them.

- 25 Policy T1 - General Transport Policy sets out that 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.
- 26 Policy T10 - Parking sets out that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development
- 27 Policy T21 – The Council will seek to safeguard the needs of walkers.
28. Policy R2 - Provision of Open Space - New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
29. Policies Q1 and Q2 - Designing for People and Accessibility sets out that the layout and design of all new development should take into account the requirements of all users.
30. Policy Q5 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.
31. Policy Q6 – All new developments on the edge of settlements or exposed sites will require peripheral planting
- 32 Policy Q8 - Layout and Design – Residential Properties sets out criteria for new build properties
33. Policy Q15- The Council will encourage the provision of artistic elements in the design and layout of developments.
34. Policy U8a 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.
35. Policy U11 – Development on sites which are known to be contaminated will only be permitted where the extent of the contamination is established and suitable mitigation is proposed.
36. Policy U14 – Energy Conservation

## **RELEVANT EMERGING POLICY**

### The County Durham Plan

37. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector

dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP and a new plan is being prepared. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

38. The Highway Authority – Raises a concern that the plots 19 – 22 front Cemetery Road and front the bus lay by but have car parking to the rear of the site which may lead to on street parking.

### **INTERNAL CONSULTEE RESPONSES:**

39. Northumbrian Water – Raises no objection subject to a condition regarding drainage.
40. Landscape Section (Trees) – Raise no objection to the proposed development and requested that the tree belts to the north and south of the site are retained outside the gardens of the neighbouring properties. Also cross section of the site required where there is a change in levels. (This has been provided)
41. Trees - Trees which must remain are located adjacent to the entrance road to The Wynds and Station View. It would be preferred to have these trees located outside the gardens of the dwellings. If included in the gardens, pressure to remove the trees due to leaf and light issues will be created.

Trees within the central area will need to be removed to facilitate the development although some of the trees are classed as good quality trees within the Arboricultural report, it is not thought that these trees will survive the development process.

42. Ecology – Confirmed the Phase 1 Habitats Report is satisfactory and that the movement of the bat boxes is satisfactory. Also raised concerns about the loss of biodiversity on the site.
43. Design and Conservation – Initially raised concerns about the submitted scheme and requested amendments to the layout, design and house types. Amendments have now been received and the conservation officer now raises no objection to the proposed scheme.
44. Environmental Health – Noise – Consider the noise report submitted is satisfactory. Conditions are requested regarding the hours of operation, dust noise etc.
45. Noise Action Team – no objections subject to conditions to minimise the environmental impacts.
46. Air Quality – Requires conditions regarding air quality on the site construction works.

47. Contaminated Land – Assessed the Phase 1 and Phase 2 Contaminated Land Reports and agrees with their recommendations. Considers that conditions are required regarding the mitigation of the contaminants on the site.
48. Police Liaison Officer – Raises no objection and notes that houses in cul-de-sacs tend to suffer less crime. Raises a concern about the limited size of the properties and potential for parents dropping off children to use the streets for parking.
49. Drainage and Coastal Protection – Raise no objection.
50. Housing - The development will assist in meeting housing need identified within the SHMA. The SHMA highlights a 20% shortfall of affordable housing in central Durham which the proposal surpasses. Due to the recent difficulties in securing delivery of affordable rent units we would support delivery of this rental scheme.
51. Education – confirmed that there are sufficient primary and secondary school places in local schools to accommodate children from the development.
52. Sustainability Officer – No comments received at the time of writing the report.
53. Coal Authority – No comments received at the time of writing the report.
54. NHS - No comments received at the time of writing the report.

#### **PUBLIC RESPONSES:**

55. The application was advertised with site notices and letters to neighbours and 4 letters of objection and one of these letters also raising comments of support have been received. Upon receipt of the amended plans the application was re advertised and no further responses were received.

The main concerns raised are:

- Intensification of use of the access road could cause problems for people accessing / egressing the site. Site lines are poor and this makes a bad situation worse.
- Object to a loss of trees
- Trees are blocking light to neighbouring properties on The Wynds and leaves are blocking gutters. Would wish to see more trees lost on the boundary with The Wynds.
- Provision of a site compound for construction vehicles should be provided.- particularly as the site is opposite a school.
- Loss of trees will make the existing drainage problems worse.
- The Esh Winning to Waterhouses Road floods regularly adjacent to this site and development will stop this water being absorbed.
- History of drainage problems on the site with adjacent properties having been flooded.
- Loss of parking as the car parks have been retained on site and are used by parents dropping children off at the Primary School.

Support

- Pleased to see the land being developed
- Development will remove existing problems with fly tipping and dog fouling.

## **APPLICANTS STATEMENT:**

### **Introduction**

This Statement has been prepared in support of a planning application for the erection of 14 two-bedroom three-person bungalows, 24 two-bedroom four-person houses and 12 three-bedroom five-person houses at the former Esh Winning Library site, Esh Winning, County Durham.

### **Principle of Development**

The site has not been assessed as part of the Durham Strategic Housing Land Availability Assessment (SHLAA).

However, the site is considered to meet the criteria of a 'deliverable' site in that it is:

Available now – The site is in the ownership of Durham County Council. Galliford Try Partnerships the contractor partner for Home Group on this project has preferred developer status on the land owned by the County Council. Home Group has commissioned the preparation of this planning application and plan to commence development at the earliest opportunity following any grant of planning permission.

Offer a suitable location for development now – The site is previously developed and considered to be in a sustainable location. It is located within 500m of Esh Winning town centre with ease of access to all the major services and amenities. It is located within an established residential area.

Be achievable, in particular viable – Galliford Try Partnerships has confirmed HCA Grant for the scheme which ensures that the delivery of the site is achievable. A viability assessment will be submitted confidentially alongside this planning application, which demonstrates the funding available for the proposals.

### **Design**

The proposed development provides a contemporary design solution, which will enliven the local area and provide a positive change to the appearance of the setting. The scheme pays regard to its context by matching facing materials and replicating existing building forms and details.

The site is laid out to ensure that there is an appropriate level amenity separation between dwellings on the proposed development and to adjacent existing houses. External private space is well defined and protected by boundary fences.

The level of separation and orientation of the development blocks on the site ensure that all the new properties enjoy at least one elevation and or private garden space with some aspect towards the east, south and west. All principal habitable rooms have external windows.

### **Conclusion**

The proposed development represents a significant opportunity to deliver the following economic, social and environmental benefits to Esh Winning and the wider area and include:

- Delivery of 50 no. affordable dwellings creating a sustainable residential extension to the settlement of Esh Winning, and contributing towards meeting the settlement's
- A mix of two and three-bedroom houses and bungalows will be provided, helping to meet an identified need for such properties within the County
- Residential amenity will be protected, both within the development, and between the proposed development and neighbouring occupiers
- There will be no adverse impact on the surrounding highway network
- The site is well located to promote pedestrian and cycle trips
- The site is well-connected in terms of public transport to a number of larger settlements and their services within the surrounding area
- The site is located in close proximity to the village centre of where a range of shops, services and local facilities are available
- New residents will help to sustain existing shops, services and facilities within the village due to the higher footfall and patronage, thus reinforcing the village's local retail and service role
- The site is not at risk of flooding nor will it increase the risk of flooding elsewhere
- A drainage solution is proposed that would ensure that surface water can be satisfactorily disposed of

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development, landscape and visual impacts, residential amenity, ecology, planning obligations, ecology, highway safety and parking, flood risk and drainage..

### Principle of Development

57. Planning legislation requires that the application should be determined in accordance with the development plan unless material considerations dictate otherwise. The NPPF is a material consideration and The City of Durham Local Plan remains a statutory component of the development plan and a starting point for determining applications as set out in Paragraph 12 of the NPPF. The NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF. Furthermore paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

58. The Council accepts that it is currently unable to calculate - and therefore demonstrate - a five year supply of deliverable sites based on an up to date, publicly tested Objectively Assessed Need of the area (OAN), in accordance with the requirements of Paragraph 47 of the NPPF. Consequently, Paragraph 49 indicates in such instances that the DLP policies are to be regarded as 'not up to date' or, as Paragraph 14 of the NPPF states, 'out of date'. As the LP is regarded as out-of-date with regards to housing delivery, as Paragraph 14 of NPPF states, the two limbed test set out in the second bullet of the 'decision taking' section is applicable in this instance, namely granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate the development should be restricted.

The application of the first 'limb' consideration of Paragraph 14 will highlight potential harm and benefit that should be considered in undertaking the necessary planning balance under Paragraph 14. The application of the second 'limb' will only be a relevant consideration in this instance if specific policies in NPPF indicate the development should be restricted. In this case only the first limb applies.

59. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authorities are expected to increase the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure to meet the needs of all sectors of the community should be provided.
60. In this case the site lies within the settlement boundary of Esh Winning as defined on the City of Durham Local Plan. As the site is located 500 metres to the west of Esh Winning village centre the site is located within walking distances of a wide range of commercial and social facilities. The primary school and library are opposite the application site entrance and good public transport is available with bus stops immediately adjacent to the site. A footpath link is also provided in the application site to join an established footpath link to the village centre and this also connects the site to the local playing fields and play equipment. The site is therefore considered to be located in a sustainable location which is consistent with paragraph 14 and 49 of the NPPF in supporting sustainable development.
61. The site was formerly a library with car parking and additional community facilities and had a curtilage that included outdoor play space. As such the site is considered to be a primarily previously developed site which is in accordance with Policy H3 of the Local Plan that supports windfall development of previously developed land within the settlement boundaries. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed' which again is consistent with redevelopment of this site.
62. Some of the site was outdoor amenity space associated with the library and community centre and this can be considered as a green field site. Saved policy H3 from the City of Durham Local Plan states that new housing development will only be permitted on windfall sites comprising of previously developed land. Policy H3 is only partially consistent with the NPPF as it is consistent with paragraph 14 and 49 in supporting sustainable development and objectively assessed housing need. However the NPPF does provide the opportunity to support greenfield sites in sustainable locations. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed.' However, this greenfield/PDL issue is balanced with the fact that the site is also in a sustainable location where there is a 'presumption in favour of sustainable development.' (paragraph 14 of the NPPF). Recent appeal decisions have supported development within a

sustainable location on greenfield land. As such no objection is raised to this issue.

63. The proposal for residential development is considered acceptable in principle as it is in line with local plan policy H3 and would also be in line with the core aims of the NPPF in encouraging sustainable development.

#### Residential Amenity

64. The nearest properties are located to the north of the site on The Wynds and Claireville on Station View that have gardens that border the application site. There is a change of levels between the land to the north with the properties on the Wynds being set at a lower level than the application site. The layout of the development respects this change in levels with bungalows being located along the northern edge of the site. A 1.8 metre high close boarded fence is proposed to be located along this border which prevents any overlooking from the windows in the rear elevation of the proposed bungalows.
64. The distance between the windows on the rear elevation of the bungalows on plot 11 – 15 and 39 and 40 to the properties on The Wynd is generally 21 metres. The only exception is on the property to the rear of plot 13 where a rear extension has been added to the property on The Wynds and the distance is reduced to 17 metres. The bungalows on plot 12 and 13 have a rear garden that is over 11 metres deep and the 1.8 metre boundary fence will prevent any overlooking as such the residential amenity implications are considered acceptable.
65. Plots 39 and 40 are both bungalows and have a rear elevation that backs onto the rear garden of the bungalow Clairville. Again the privacy of the garden is protected by the introduction of the 1.8 metre fence which is conditioned to be retained.
66. To the south of plot 1 is a pair of semi detached houses where there is a separation distance of 14 metres to a blank side elevation. This is over the 13 metres required in Policy Q8 of the Local Plan.
67. In terms of the relationship between the proposed properties on the application site between the proposed dwellings, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties. All properties also benefit from 1 in curtilage parking space, communal visitor spaces, and private rear gardens. The development is considered to provide a good standard of residential amenity.
68. All the proposed properties have rear garden amenity spaces, with the majority of them having generous gardens with a good level of privacy. The properties on plots 43 – 50 and 32 - 36 do have smaller gardens however given these properties are 2 bedroom houses and their gardens still allow a good level of privacy with plots 43 – 50 backing onto a tree belt and this is considered acceptable.
69. Given there are residential properties within close proximity to the proposed development a condition is recommended with regards to construction hours of operation. This will ensure neighbouring residents are not overly disturbed during the construction phase of the development.

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

#### Layout, design and visual amenity

71. The layout of the proposal is via two vehicular access roads that provide two cul de sacs. Plots 19 – 26 face onto Woodland Terrace opposite Esh Winning Primary School providing a street frontage to this street.

72. Policy E14 seeks the protection of important groups of trees and hedgerows. On this site the mature tree belts to the north west and south east of the site fronting Station View and The Wynds are retained and located outside the garden areas to ensure these tree belts that contribute to the visual amenity of the area are retained. Mature trees within the site will be lost to form the development. The County Landscape Officer has carefully considered the loss of these trees and concluded that the trees adjacent to The Wynds and Station View provide the most public amenity benefit. As such he raises no objections to the loss of the trees within the site.

73. The last site boundary to the north east backs onto the rear gardens of the properties on The Wynds and appropriately has adjoining rear gardens from the bungalows on the site.

74. The applications site is on two levels and the existing retaining wall is proposed to be removed and a new retaining wall introduced. This is three metres in height and annotated on the site plan as a timber retaining wall.

75. The proposed properties are a fairly standard design seen on many modern housing estates. The finished materials are brick with a tiled roof and details of the materials are submitted with the application. The proposed colour palette is similar to those on Magnolia Court to the south east of the site which is considered in keeping with this locality. During the application process some amendments have been made to the external appearance of the buildings to introduce heads and sills to the windows and a vertical emphasis to the windows to improve the appearance of the elevations. The properties are a mixture of two storey and single storey dwellings and it is not considered that the houses will therefore have an intrusive impact to the outlook or character of the surrounding area.

76. Finally, it has to be noted that this site is now redundant and empty with residents noting the site has generated some anti social behaviour like fly tipping and dog fouling. The proposed scheme would provide rented affordable housing on this site in a layout and design that would contribute to the character and appearance of the area. The proposal is therefore considered to be in accordance with policy H13 and E1 of the local plan.

#### Access and Parking

77. The layout of two cul de sacs with one dedicated parking space per dwelling and communal visitor parking for 19 vehicles is considered acceptable.

78. The Highways Officer has raised concerns about plots 19 - 22 fronting onto Woodlands Road having their parking spaces accessed from the rear cul-de-sac. His concern relates to people potentially parking at the front of their property which would interfere with the lay by for the bus stop. Whilst the Highways Officer has concerns regarding this aspect of the scheme, it is not felt that a highways refusal reason could be justified in this instance.
79. Connectivity on the site is improved by the provision of a footpath link adjacent to plot 10 to the existing footpath that provides a link to the village centre and play areas.
80. Overall, it is considered that the proposed development would have a suitable vehicular access as well as adequate parking provision, and the surrounding highway network would be able to cope with the additional vehicle demand. The proposed development would not adversely compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

#### Affordable housing and section 106 contributions

81. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site".
82. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. The applicant has submitted a scheme for 100% affordable housing with all properties available for rent. The County Durham Housing Officer has confirmed that there is a particular need for rented houses and therefore supports this application for 100% rented affordable houses. Although the planning application offers 100% affordable housing this cannot be awarded any material weight as the County Councils policy requirement is for a lower amount of 20% affordable housing and this is the proportion of the site that the planning application would be required to be provided. However as 100% affordable housing has been offered on the site this level of affordable housing can still be reflected in Legal Agreement to secure the affordable housing on the site.
83. Policy R2 on the provision of recreational and amenity space in new developments requires a provision for recreational play space and amenity space. On this site the two tree belts to the north west and south east of the site retain an attractive mature tree belt that enhances the street scene and is considered to provide some amenity space in accordance with Policy R2. The County Councils Open Space Assessment identified a need for facilities to be provided on site for younger children. Informal play space is proposed to be provided on pockets of land throughout the development with an enclosed small play area between plots 20 and 21. This is considered to meet the needs of the younger children on site. No facilities are provided for older children. However the footpath link provides good safe access to the closest playing fields and play facilities and a financial contribution of £12,500 is to be secured through a Legal Agreement for play facilities within the local area. The contributions would help to support and improve facilities within the surrounding locality for the benefit of

occupiers of the additional properties and also existing residents of the local community.

84. Policy Q15 of the Local Plan encourages the provision of artistic elements in the design and layout of development. The County Council usually requires a 1% contribution of the build cost for the provision of the artistic elements. In his case the applicant has provided a disclosure of the financial viability of the development to demonstrate that this would not be feasible. As such an enhancement to the submitted scheme has been negotiated that includes the provision of four benches on the amenity areas. This is considered to both provide an attractive feature and encourage more use of the amenity areas for all the potential residents of the development. In addition appropriate boundary treatment along the frontage of Woodland Road to improve the street scene has been proposed. These elements provided on site are considered to be in accordance with Policy Q15.

#### Drainage

85. Policy U8A requires satisfactory arrangements for foul and surface water drainage to be provided. Northumbrian Water has been consulted on the application and raised no objection subject to a condition regarding surface water and foul drainage. The County Drainage Officer has also assessed the submitted information and requires further information to be submitted about the critical flood exceedance route. This is conditioned accordingly.

#### Contaminated Land

86. Policy U11 requires details of contaminants on the land to be established and suitable remediation to address the actual or potential hazard or contamination identified. On this application a phase 1 and 2 contamination report has been submitted and carefully assessed by the Environmental Health Contaminated Land Officer and conditions are required to ensure that appropriate mitigation is implemented.

#### Ecology

87. Policy E16 seeks to protect and enhance nature conservation. In this case the County Ecologist has carefully assessed the bat report and following the submission of additional information has concluded that the report and additional information for the replacement bat boxes is satisfactory. He has noted that there is a loss of the grass and trees on the central area of the site that does provide some biodiversity on site.

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## **CONCLUSION**

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88. The site is defined in the local plan as being within the settlement boundary of Esh Winning and would be the redevelopment of the previously developed library site. This is considered to conform to Policy H3 of the Local Plan.
89. The proposed development is assessed to be in line with the sustainable aims of the NPPF. The site is considered to be within walking distance to the commercial centre of Esh Winning and has good access to public transport links adjacent to the site.

90. The proposed scheme would not have an adverse impact on the amenities of surrounding buildings and the amenities of future occupiers of the proposed properties would also be protected. It is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the City of Durham Local Plan.
91. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. There are concerns that the location of some of the in curtilage parking could result in some parking near the bus stop, however this issue is not considered sufficient to justify a refusal reason. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
92. The proposed development would deliver affordable housing on site with the full amount required by planning policy (20%). The section 106 agreement will ensure that the 20% affordable housing is required on site in accordance with planning policy. The legal agreement though will also reflect the 100% affordable housing offered by the applicant at their request as the applicant has advised that it is required to secure funding for the development – however this additional provision of affordable housing has not been given any additional consideration in the decision making process on this application. Amenity space in the form of tree belts adjacent to The Wynds and Station View are retained and small pockets of amenity and play space are provided within the site in accordance with Policy R2. A developer contribution of £12,500 will also be made towards the provision and maintenance of recreational and amenity space in the near locality. This contribution would be secured through the Section 106 legal agreement.

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## **RECOMMENDATION**

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Mindful to APPROVE the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

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

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

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

SITE LOCATION PLAN validated 10<sup>th</sup> November 2016

C01 Rev G SITE LAYOUT PLAN received 06/03/2017

AMENDED ELEVATION PLANS BUNGALOWS received 22<sup>nd</sup> December 2016

AMENDED ELEVATIONS 2 AND 3 BED TWO STOREY HOUSES received 22<sup>nd</sup> December 2016

TYPICAL SECTION THROUGH THE RETAINING WALL received 23<sup>rd</sup> January 2017

PHASE I CONT LAND validated on the 10<sup>th</sup> November 2016

PHASE II CONT LAND 1<sup>st</sup> February 2016

15002 P115 SITE SECTIONS(1) validated 10<sup>th</sup> November 2016

15002 P300 MATERIALS SCHEDULE(1) received 21<sup>st</sup> February 2017

15002 DESIGN AND ACCESS STATEMENT NOV-16 validated 10<sup>th</sup> November 2016

4657 ECOLOGICAL IMPACT ASSESSMENT R03 validated 10<sup>th</sup> November 2016

561 ESH WINNING TRANSPORT STATEMENTS V1 PART 1 validated 10<sup>th</sup> November 2016

DRAINAGE STRATEGY validated 10<sup>th</sup> November 2016

FLOOD RISK ASSESSMENT validated 10<sup>th</sup> November 2016

PLANNING STATEMENT validated 10<sup>th</sup> November 2016

SITE MANAGEMENT METHODOLOGY validated 10<sup>th</sup> November 2016

STATEMENT OF COMMUNITY INVOLVEMENT. validated 10<sup>th</sup> November 2016

DUST MANAGEMENT PLAN validated 10<sup>th</sup> November 2016

VIABILITY ASSESSMENT(1). validated 10<sup>th</sup> November 2016

AFFORDABLE HOUSING STATEMENT validated 10<sup>th</sup> November 2016

ARBORICULTURAL IMPACT ASSESSMENT validated 10<sup>th</sup> November 2016

NOISE SURVEY AND FAÇADE ACOUSTIC DESIGN STRATEGY validated 10<sup>th</sup> November 2016

UPDATED DRAINAGE STRATEGY received 2<sup>nd</sup> December 2016

DRAINAGE PERCOLATION TEST received 3<sup>rd</sup> February 2017

DRAINAGE STORM FLOOD ASSESSMENT received 1<sup>st</sup> March 2017

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

3. Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

4. The development shall be undertaken in accordance with the following contaminated land reports: Arc Environmental Phase 1 desk top study reference 16-379 dated 1/11/16, the Arc Environmental Phase 2 site investigation report dated 5<sup>th</sup> January 2017 and the James Christopher Consulting remediation strategy JCC16-123-(E)-01 dated February 2017.

The full scheme shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a or b are not required.

Throughout completion phases of the development all documents submitted relating to Phases 3 and 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

- (a) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out and where necessary a Phase 3 Remediation Strategy shall be prepared. The development shall be completed in accordance with any amended specification of works.
- (b) Upon completion of the remedial works, 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

6. All sound attenuation measures detailed in the noise assessment report Apex Acoustics Report No 5460.1 version A dated 4<sup>th</sup> November 2016, shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason – In the interest of the aural amenity of the properties in accordance with Policy Q8 of the City of Durham Local Plan 2004.

7. No works, other than site investigation works, shall start on site until a Construction Management Plan (CMP) which shall be prepared by a competent person has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) have upon any occupants of nearby premises. In addition a site management plan for traffic and parking of vehicles shall also be provided. The detailed mitigation proposed shall include:
- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014
  - An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 ‘Code of practice for noise and vibration control on construction sites’ 2014.
  - Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
  - Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council’s accepted hours for construction/demolition

activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.

- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

- . Details of parking for all people working on the site.

- . Details of traffic management with emphasis on consideration for the operation of the primary school opposite.

Reason: In the interests of residential amenity in accordance with Policy H13 of the City of Durham Local Plan 2004.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report validated on the 28<sup>th</sup> November 2016

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

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved site plan as to be retained, are protected by the erection of fencing, placed in accordance with BS 5837 – 2012 and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved.

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

10. Before any dwellings are constructed above damp proof course level details of the design, materials colour and finish of the 4 communal benches shall be submitted to the Local Planning Authority and approved in writing. The benches shall then be implemented before the occupation of the dwellings and retained thereafter.

Reason – In the interests of visual amenity as the benches in accordance with Policy Q15 of the City of Durham Local Plan 2004.

11. Before the construction of any dwellings on site commences a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority.

The landscape scheme shall include the following:

- Trees, hedges and shrubs scheduled for retention
- A planting schedule for the structural timber retaining wall
- Details of hard and soft landscaping including surface materials, planting species, sizes, layout, densities and numbers. The soft landscaping shall include details of a replacement tree planting scheme to compensate for the loss of trees protected by the TPO
- Details of planting procedures or specification
- Finished topsoil levels and depths
- Details of temporary topsoil and subsoil storage provision

- Seeded or turf areas, habitat creation areas and details
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

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

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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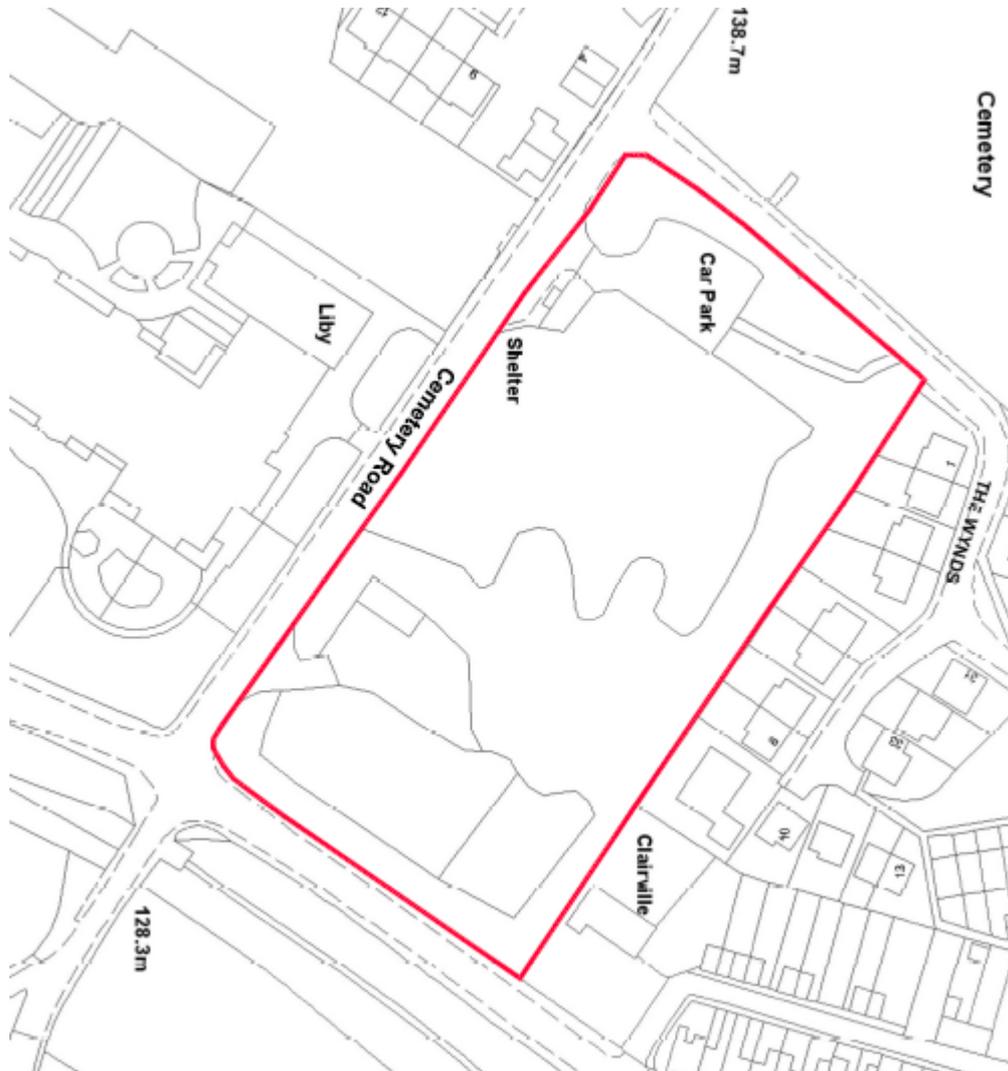
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. Unfortunately a positive outcome has not been possible to negotiate on this application.

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## **BACKGROUND PAPERS**

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



**Planning Services**

**Residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent. (Amended plans)**

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**Date  
November 2016**

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03751/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of former Durham Johnston School Whinney Hill and the erection of 75no. dwellings with associated infrastructure, landscaping and car parking</b>
<b>NAME OF APPLICANT:</b>	<b>Persimmons</b>
<b>ADDRESS:</b>	<b>Durham Johnston Comprehensive School Whinney Hill, Durham, DH1 3BG</b>
<b>ELECTORAL DIVISION:</b>	<b>Elvet and Gilesgate</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of the redundant Durham Johnston Comprehensive School known locally as the Whinney Hill Lower Site which is located on Whinney Hill in Durham. The site is an irregular rectangular shape split over various levels and measures approximately 2.6 hectares. The site is made up of a combination of school buildings of various sizes and heights, hard surfacing and playing courts, and open grassed areas.
2. The east of the site is bounded by a designated Ancient Woodland and the land drops significantly to the Durham City Rugby Club premises. To the north set beyond tree coverage is a mix of student accommodation and employment uses. To the south is a mix of open land and woodland. Immediately west of the site is a mix of residential accommodation and car parking for Durham Prison. The site is located within the Durham City Conservation Area. Within the wider location context the site is located approximately 800 metres due east of Durham Cathedral.

### The Proposal

3. Full planning permission is sought for the erection of 75no. C3 dwellings. A mix of different house types are proposed including 16no. two bed apartments, 53no. three bed dwellings and 6no. four bedroom dwellings. Three apartment blocks are proposed along with detached, semi-detached and linked properties, some of which are designed as split level houses to conform to the difference in levels across the site. The existing accesses from Whinney Hill are to be retained however a one way system will be introduced.

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

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## **PLANNING HISTORY**

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5. There is no past planning history on this site relevant to the determination of the application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* 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.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 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 E6 (Durham City Centre Conservation Area)* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
17. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
18. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
19. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
20. *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.
21. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would

detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

22. *Policy H2 (New Housing in Durham City)* states that new housing development comprising: windfall development of previously developed land: and conversions will be permitted within the settlement boundary of Durham City.
23. *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.
24. *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.
25. *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.
26. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
27. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
28. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
29. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
30. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

31. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
32. Policy 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.
33. *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.
34. *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.
35. 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.
36. Policy U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
37. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

#### **EMERGING POLICY:**

##### County Durham Plan

38. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

39. *Environment Agency* has not raised any objections to the proposed development.
40. *Police Architectural Liaison Officer* has not raised any objections and has indicated that the crime risk assessment for this proposed development is low.
41. *Northumbrian Water* have not raised any objection but has requested that a condition is imposed for the drainage scheme to be in line with submitted flood risk assessment and drainage strategy.
42. *Durham County Highways Authority* has not raised any significant objections to the proposed scheme.
43. *The Coal Authority* has not raised any objections subject to further investigation works being undertaken.
44. *Drainage Section* have requested the submission of additional information in relation to the flood risk assessment and drainage strategy.

### INTERNAL CONSULTEE RESPONSES:

45. *Education Section* have indicated that the proposed development could produce an additional 24 primary pupils and 10 secondary pupils. There are sufficient secondary school places available but no primary school places available. Consequently additional teaching accommodation will be required and a contribution of £328,920 is required.
46. *Public Rights of Way Section* have not raised any objections but has indicated that the proposal should contribute to the enhancement of surrounding public rights of ways.
47. *Tree Section* has not raised any objections to the proposed scheme.
48. *Landscape Section* has not raised any objections to the proposed scheme.
49. *Design and Conservation* has not raised any substantial objections to the proposed development. It is indicated that the demolition of the school building, a non-designated heritage asset, is assessed as substantial harm and the applicant would need to demonstrate substantial public benefits.
50. *Environmental Management (Noise)* has raised any major objections however the demolition and construction phase may result in a statutory nuisance being created.
51. *Sustainability Section* has not raised any objections to the proposed development.
52. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further phase 3 remediation strategy report shall be submitted prior to development commencing.

53. *Archaeology Section* has not raised any objections to the scheme subject to conditions for archaeological investigation works and recording.

54. *Ecology Section* has not raised any objections to the proposed scheme.

55. *Spatial Planning Policy Section* has not raised any objections to the proposed scheme.

56. *Housing Development and Delivery Team* has confirmed that the proposed delivery of 10 affordable rent units and 5 discount market sales units would be supported.

#### **PUBLIC RESPONSES:**

57. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. At the time of this report being published 2 letters of representation have been received on the application from the Whinney Hill Community Group (WHCG) and the City of Durham Trust.

58. The City of Durham Trust broadly accept the proposals as the application closely follows a design brief prepared in 2007. It is noted that the accommodated should be restricted to C3 properties. It is also considered that the impact on the Whinney Hill road would be significant to justify passing places.

59. The Whinney Hill Community Group broadly supports the proposed development however the following comments are raised:

- Neighbour letters were not received by all the residents of Whinney Hill;
- Concur with comments from the Police regarding issue of parking and the apartment blocks being more suitable for older residents;
- The education contribution is excessive and the criteria for Durham Johnston School admittance should be restored to the historic local catchment area;
- The proposed properties should be retained as C3 dwellings;
- Contribution to play space and open space should be directed towards the Hollow Drift area;
- Lack of bungalows on the scheme;
- External materials of the proposed properties should be traditional and reflect the area;
- Reference to the points raised in the development brief created for the site;
- Concerns over the heights of the apartment blocks;
- Clarification on the type and price range of the affordable housing;
- What procedures would be in place to minimise disruption during construction;
- Retention of trees is important;
- Funding should be made available for tree planting, resurfacing of public paths and additional play equipment;
- Section 106 contributions should be allocated to Whinney Hill;
- Concerns that percentage of affordable homes for developments has been reduced from 30% to 20%;
- Robust traffic and parking arrangements should be put in place.

#### **APPLICANTS STATEMENT:**

60. This proposed development offers the opportunity to create a new sustainable desirable residential development, bringing back to use a derelict, Brownfield site within Durham City and the Elvet conservation area.

The application site is located within an existing residential area of Durham City, its proximity to the city centre ensures that the site is highly sustainable in relation to local amenity with a wide variety of services, facilities, open space, recreational facilities, and local schools within close proximity to the development. Furthermore, the proximity to bus routes and the train station provide a high level of sustainable transport options for future residents.

The proposal for 75 dwellings, including 20 apartments, provides an excellent range and choice of dwellings to satisfy current and future housing needs of Durham City. With a selection of 2-4 bed properties of varying sizes and types proposed the development also seeks provides type and size of dwelling which are currently under provided within the housing market.

The proposed development incorporates the contemporary design approach currently being implemented on the Persimmon Homes development at the Former Police Head Quarters in Aykley Heads. The design is innovative for the area including design features not typical of the surrounding area such as Balconies and Juliet Balconies on select dwellings with contemporary glass or aluminum guarding on the balconies; Red/Buff/Grey contrasting brickwork and Feature Panels of Render or Cladding. The resultant development will provide an attractive, high quality contemporary residential development which will complement the residential and historical context of its setting.

The application is supported by a full suite of supporting reports, assessment and drawing which have met all the requirements of internal Council and Statutory Consultees such that there are no outstanding objections from any of these bodies.

The application is also supported by an 'Addendum Heritage Statement' in which the justification on the loss of the school buildings has been discussed at length as well as identifies and concludes with an array of public benefits that would result from the redevelopment of the scheme.

Finally, the impacts of the development have been mitigated via a planning gain package which includes off site play, public art contribution, education contributions and a policy compliant onsite Affordable Housing provision.

In conclusion it is considered that the proposed development of the site would result in the re use and redevelopment of a Brownfield, vacant and derelict site within a sustainable city centre location and provide a mix of dwellings which are currently under provided within the housing market.

Therefore in accordance with paragraph 14 of the National Planning Policy Framework the application should benefit from the presumption in favour of sustainable development and approve development proposals that accord with the development plan without delay;

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

the principle of residential development of the site; 5 year land supply; residential amenity; visual impacts on heritage assets and conservation area; highway and access issues; affordable housing and section 106 contributions; and impacts on surrounding area

#### Principle of residential development

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

63. Concerns have been raised by WHCG that the proposed properties may revert to C4 houses in multiple occupation (HMO). The proposed development indicates that the properties are for C3 dwelling houses. The Article 4 Direction is in place in the Durham City area which covers the development site and ensures that properties cannot be converted to C4 HMO use without first applying for planning permission.

#### 5 year land supply

64. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need (OAN) for housing is yet to be fully tested. The council is to consult on preferred options for the County Durham Plan shortly and this may give rise to a change in this stance.

65. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

Scenario	Dwellings per annum	Years supply against
Population Growth Short Term	1,533	4.65
Population Growth Combination	1,629	4.31
Population Growth Long Term	1,717	4.04

66. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. As such, the weight to be applied to the residential framework is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.

67. In the context of this proposal this certainly renders Saved Policy H2 'out of date'. The implication of this is that limited weight should be attributed to this policy and the proposal should be determined in accordance with the two limbed test set out in Paragraph 14 of NPPF.
68. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (including meeting the needs of people who wish to build their own homes) (Paragraphs 47 – 55 of NPPF).
69. It has already been established that the Council does not have a five year supply of housing land. In the context of paragraph 14, any adverse impacts of the proposal must therefore significantly and demonstrably outweigh the benefits if it is to be refused on the basis of the sustainability of its location.

#### Residential amenity

70. The separation distances between the proposed properties and the surrounding dwellings all exceed 21 metres which ensures that adequate levels of privacy would be maintained for existing occupiers. Given the separation distances, it is not considered that any overbearing or overshadowing issues would be created on adjacent properties. The relationship and separation distances between the proposed properties are all considered acceptable and would provide sufficient levels of amenity for future occupiers of the properties.
71. The Environmental Health Officer has not raised any significant objections to the proposed scheme however concerns are raised over potential disturbance during demolition and construction phase. The Environmental Health Officer has suggested that a condition is imposed for a Demolition and Construction Management Plan to be submitted which will provide details of mitigation to ensure that the demolition and construction phase of the development would not adversely impact neighbouring residents. A condition is recommended accordingly. The Environmental Health Officer dealing with contamination has not raised any objections but has requested that a further contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended. Given the close proximity of existing residential properties it is considered appropriate to impose a condition restricting hours of construction and deliveries to the site. A condition is recommended accordingly.
72. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

#### Visual impacts on heritage assets and conservation area

73. The application site lies within the Durham City Conservation Area. The historic significance of Whinney Hill is as part of the City's planned expansion in the first half of the 20th century. The area's buildings are characteristic of this period and primarily social housing. The architectural style of the school buildings is typical of public architecture of the 1930s and are well ordered and considered responding

to the site and topography. Overall they are considered to make a positive contribution to the Conservation Area. The former Whinney Hill school and site can be viewed from several places across Durham City both within and external to the conservation area. Many of these views are obscured by trees and with most complete views of the buildings are from height and in long distance views where they are seen within the backdrop to the WHS. However within these views the existing buildings sit comfortably and confidently within the setting of the inner bowl. Within the immediate area vegetation to the principal and most significant elevation are limited to within the site.

74. The Principal Design and Conservation Officer acknowledges that the overall design and layout remains defined and constrained by the geographical and environmental constraints of the site; the road layout which is defined by the topography of the site and the retention required to facilitate the road access and parking requirements; and the viability of the site in terms of the number of deliverable housing units which impacts on density and car parking.
75. The aspiration for “unique and high design quality design” is tempered by physical constraint and fiscal viability and it is acknowledged that the developer has endeavoured within the context of their own portfolio to deliver a higher quality product. Should the application be approved, this “quality” should be assured by the imposition of suitable conditions on the applicant with regards to material quality. Conditions are recommended accordingly.
76. By using a contemporary vernacular house type and the proposed traditional palette of material the applicant has taken into consideration the nature of existing build form, introducing a “newer” character area within a visually contained site. This is comparable with the imposition of former social housing in the Whinney Hill area within the context of the wider city. As such, the applicant has endeavoured to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area in this respect.
77. It is acknowledged that the existing school building is classed as a non-designated heritage asset and the Principal Design and Conservation Officer has indicated that the loss of this building is assessed as substantial harm in the context of the NPPF and such the applicant would need to demonstrate substantial public benefits that outweigh that harm or loss. A heritage assessment has been submitted by the developer which specifically comments on the loss of the school building and provides evidence that the scheme brings public benefits which outweigh the loss of the non-designated heritage asset. The public benefits derived from the proposed scheme described by the developer include:
- Delivery of high quality housing in a highly sustainable city location;
  - Rebalancing the local community by introducing C3 dwellings into an area which is heavily occupied with student properties;
  - Unviable to develop site without the loss of the school building;
  - Delivery of affordable housing;
  - Improvements pedestrian connections including the upgrade of public rights of way;
  - A vacant brownfield site being brought back into use;
  - Enhancement and addition of green spaces with further planting and trees;
  - Financial contributions to public art and education;
  - Economic benefits of the development with job creation, local employment and a Targeted Recruitment Training Programme.

78. It is noted that some of the public benefits listed above ie. the financial contributions to open space, public art, education; and the provision of affordable housing are elements of a development scheme which would be required irrespective of the need to demolish a non-designated heritage. These elements, in themselves, are not sufficient to justify the loss of the school building. It is noted however that information has been submitted which indicates that the proposed scheme would not be viable unless the school building is removed. The Whinney Hill area can be considered to be an area highly concentrated with C4 HMO properties which has created an unbalanced community. The proposed development of C3 dwellings would provide a rebalance of the community. Taking all these issues into consideration it is considered that there is sufficient public benefit from the scheme which would outweigh the harm of the loss of the non-designated heritage asset.

79. Given the above comments it is considered that the proposed development would preserve the character and setting of the Durham City Conservation Area and would not have a detrimental impact on the appearance of the surrounding area or the World Heritage Site. Overall the proposal is considered to be in accordance with policies E6 and E22 of the local plan and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Highway and access issues

80. The development is proposing to use the existing accesses into the site but introducing a one way system so all vehicles enter and exit the housing estate the same way. The Highways Manager is satisfied with this proposal and has indicated that a traffic regulation order is required to secure the one way system and ensure the erection of illuminated signing. A traffic regulation order would also be required to include the highway within the Controlled Parking Zone and to restrict the highway running through the site to a 20mph road. A condition is recommended accordingly to ensure these traffic regulation orders are put in place.

81. The proposed layout and parking for the development has been fully assessed by the Highways Manager and no objections are raised. It is considered that the proposed development would not have an adverse impact on highway safety. It is noted that the site sits within a dense residential area with restricted access. It is therefore considered that the submission of a construction management plan should be submitted and approved prior to works commencing on site. A condition is recommended accordingly.

82. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

83. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”. A development of this scheme usually expects 20% of the housing to be affordable. The applicant has indicated that 20% affordable is to be provided with 10 affordable rent units and 5 discount market sale units. The Housing Development Manager has indicated that the affordable housing proposed is acceptable. The

provision of the affordable housing will be secured through a section 106 legal agreement.

84. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £75,000 at a calculation of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development and the applicant has committed to a contribution of 1% of build costs in this regard. A contribution of £328,920 is to be made towards education for additional primary school accommodation in the locality. A contribution of £50,000 is also to be made for the upgrade of public rights of way in the area. These contributions will be secured through a Section 106 legal agreement.
85. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

#### Impacts on surrounding area

86. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no major objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.
87. 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.
88. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
89. An Ecology Survey of the site has been submitted with the application. This survey concludes that there are some bat roosts present within the school building and mitigation is proposed. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the

submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.

90. Overall it is considered that the proposed development would not have an adverse impact on drainage and flooding in and around the site; and protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.

#### Other issues

91. The County Archaeologist has been consulted on the proposed scheme and no objections have been raised subject to the imposition of a condition for further investigation works to be undertaken prior to commencement. A condition is recommended accordingly.
92. The Coal Authority have been consulted on the application and they have confirmed that the site lies within a High Risk Development Area. Further investigation works are required prior to commencement of development which can be secured through a planning condition. A condition is recommended accordingly.

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## **CONCLUSION**

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93. The proposed development is located in a predominantly residential area and is considered to be in a sustainable location within close walking distance to shops, services and public facilities. It is therefore considered that the proposal can be considered sustainable development and would be in accordance with guidance contained within the NPPF.
94. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
95. It is considered that the sufficient evidence has been submitted in order to justify the loss of the existing school buildings. The proposed properties are considered to be acceptable in design terms and would preserve the character and appearance of the Durham City Conservation Area and would therefore comply with policies E6 and E22 of the local plan.
96. The Highways Authority has confirmed that the proposed access and parking arrangements would be acceptable. It is not considered that the proposed development would compromise highway safety. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
97. The development would provide a mix of affordable housing which would contribute to the local housing mix. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality; contribute towards public art, contribute to educational facilities, and improve pedestrian links near to the site.

98. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.

99. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.

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## RECOMMENDATION

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure 20% affordable housing; a financial contribution of £75,000 towards green infrastructure in the locality; and a financial contribution of 1% of build costs towards public art in the locality; a financial contribution of £328,920 towards education; a financial contribution of £50,000 towards the upgrade and improvements of highway footpaths and street lighting; and subject to the following conditions;

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
WH-001 J	Proposed Development Layout	13/02/2017
CH-WD01	Craghead – Plans & Elevations	23/11/2016
HU-WD01 A	Huntclif – Plans & Elevations	13/02/2017
WH-003	Indicative Landscape Proposal	13/02/2017
WH-SE01 F	Street Elevations	13/02/2017
F3-WD02 A	Apartments Elevations	22/02/2017
F3-WD01	Apartments Floor Plans	22/02/2017
CSSP-WD01	Cragside – Plans & Elevations	23/11/2016
RF-WD01 P	Rufford – Plans & Elevations	23/11/2016
SE-WD01	Sandsend – Plans & Elevations	23/11/2016
TW-WD01	Eldridge – Plans & Elevations	23/11/2016
WY-WD01	Wycliffe – Plans & Elevations	23/11/2016
RK-WD01 K	Runswick – Plans & Elevations	23/11/2016
GF-WD01 L	Greyfriars – Plans & Elevations	23/11/2016
SGD-01 B	Single/Double Garages – Plans & Elevations	23/11/2016
	Site Location Plan	23/11/2016

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

3. No development shall take place until a detailed scheme including site investigations to confirm remedial works to treat areas of shallow mine workings has been submitted to and approved in writing by the local planning authority. Any identified

remedial works shall be undertaken prior to commencement of development and the development shall be carried out in accordance with the approved details.

*Reason: To ensure the stability of the land and to comply with policy U13 of the City of Durham Local Plan.*

4. Before the development is first brought into use traffic regulation orders to include the provision of a one way system, erection of illuminated signage and a 20mph speed limit control shall be made within the development site. Thereafter the scheme shall be implemented in accordance with the approved details.

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

5. No development shall take place until full highway engineering details of the proposed estate roads have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.

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

6. No development shall take place until a detailed scheme for improvements to surrounding public rights of way has been submitted to and approved in writing. The approved scheme shall be implemented prior to the occupation of the development.

*Reason: In the interests of public amenity and to comply with policy T21 of the City of Durham Local Plan.*

7. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, or c are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

- (a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(b) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.*

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

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

9. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Bat Survey prepared by Durham County Council dated 13<sup>th</sup> July 2016 and Phase 1 & Bat Building Survey dated September 2016.

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

10. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

i. Methodologies for a Historic England-style building record prior to any conversion works or stripping out of fixtures and fittings.

ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.

iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.*

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

*Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.*

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

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

13. No development hereby permitted shall commence until details of all means of enclosure have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

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

14. No development hereby permitted shall commence until details of all hard standing areas have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

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

15. No development shall take place until a demolition and construction management plan, which deals with environmental impacts (noise, vibration, dust and light) 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 residential amenity having regards to policy H13 of the City of Durham Local Plan.*

16. No development shall take place until a highway construction management plan, which identifies delivery and parking 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.*

17. 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.*

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

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

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

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

20. No development shall take place until a detailed scheme for management and maintenance of the SUDS in perpetuity has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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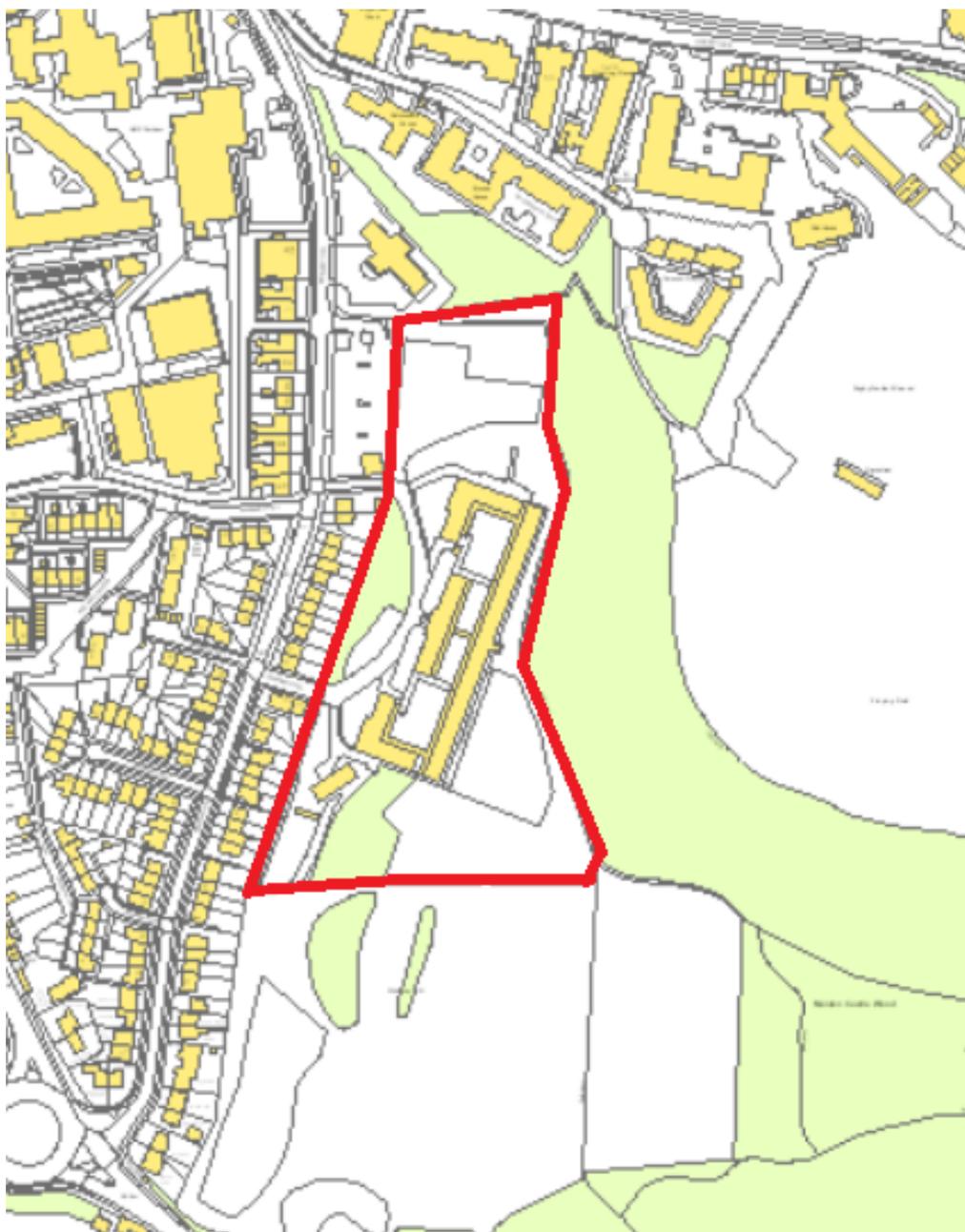
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance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

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## **BACKGROUND PAPERS**

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



**Planning Services**

**Demolition of former Durham Johnston School  
Whinney Hill and the erection of  
75no. dwellings with associated  
infrastructure, landscaping and car  
parking at Durham Johnston  
Comprehensive School Whinney Hill,  
Durham, DH1 3BG  
Ref: DM/16/03751/FPA**

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**Date 14<sup>th</sup> March 2017**

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03998/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works</b>
<b>NAME OF APPLICANT:</b>	<b>Finchale College</b>
<b>ADDRESS:</b>	<b>Finchale Training College, Newton Hall, Durham, DH1 5RX</b>
<b>ELECTORAL DIVISION:</b>	<b>Framwellgate and Newton Hall</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located at Finchale Training College approximately 350 metres north of Newton Hall and measures approximately 5.44 hectares. The site is occupied with a number of buildings which are utilised by the training college and the remainder of the site is a combination of open grassed areas and woodland areas. The site is bounded to the east by the railway line and to the west by Chester Low Road. To the south of the site is a row of terraced properties known as Low Moor Cottages. Open fields are located to the north and to the south and west beyond the road and properties at Low Moor Cottages. The Arnison Shopping Centre is located approximately 500 metres to the south west of the site. The site lies within the Durham City Green Belt and also directly adjacent and Area of High Landscape Value. The majority of the site is also allocated as a Major Developed Site in the Green Belt under policy E2 of the City of Durham Local Plan.

### The Proposal

2. Outline planning permission is sought for the development of up to 100 dwellings. The application indicates that access is to be considered with appearance, landscaping, layout and scale to be reserved for future consideration. An illustrative layout plan has been submitted which indicates that 93 properties can be located on site whilst retaining the woodland areas to the north and south of the site. An access is shown on the proposed plans to the south west corner onto the Chester Low Road.
3. Finchale Training College is an independent charity providing specialist progression support for people with multiple and complex barriers to employment.

During the 12 month period from September 2015 to September 2016, Finchale College assisted 452 army veterans and disadvantaged/disabled clients into employment and helped clients to gain a total of 372 new qualifications. Finchale currently employs 21 members of staff. The College has historically operated as a single contract business delivering a mix of on-site residential facilities and occupational training. In recent years, funding has been significantly reduced which has resulted in the College examining its business model. The College approach to training delivery has now evolved with greater focus on the provision of training on an outreach basis which allows the College to serve clients across a larger geographical area.

4. The existing premises is no longer considered fit for purpose in terms of delivering the College's current model of off-site training. Approximately 50% of the premises is not in use which gives rise to significant operational inefficiencies including rising maintenance and repair costs.
5. The proposed residential development is proposed in order to facilitate the relocation of the Finchale College Charity, to clear the charity's pension deficit, address a decline in the level of reserves held by the charity, and to fund future training programmes for the charity.
6. The application is reported to the Planning Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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7. Planning permission was granted in 1998 for some additional residential accommodation for the college. Permission was also granted in 1993 for some roof works to the workshops.

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## **PLANNING POLICY**

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### **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 21<sup>st</sup> 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. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *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**

19. *Policy E1 (Durham City Green Belt)* states that within the Green Belt the construction of new buildings is inappropriate and will not be permitted unless it is for purposes relating to agriculture or forestry; essential sport and recreation facilities or cemeteries; replacement of an existing dwelling, re-use or conversion of an existing building; and limited extensions to existing dwellings.
20. *Policy E2 (Major Developed Sites in the Green Belt – Infilling)* states that limited infilling at major developed sites in the Green Belt, shown on the proposals map, will be permitted provided a development has no greater impact on the openness of the green belt than the existing or permitted development; it does not exceed

the height of the existing or permitted buildings; and does not lead to a major increase in the developed proportion of the site.

21. *Policy E10 (Area of High Landscape Value)* states that the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance of the area of high landscape value; and requiring that development respects the character of its landscape setting in terms of its siting, design and scale.
22. *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.
23. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
24. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
25. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
26. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
27. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
28. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
29. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
30. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

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

#### **EMERGING POLICY:**

##### County Durham Plan

32. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **EXTERNAL AND STATUTORY RESPONSES:**

33. *Environment Agency* has not raised any objections to the proposed development.
34. *Police Architectural Liaison Officer* has not raise any objections and has indicated that the crime risk assessment for this proposed development is low.
35. *Northumbrian Water* have not raised any objection but has requested details of how surface and foul water will be disposed.
36. *Durham County Highways Authority* has not raised any significant objections to the proposed scheme. It is accepted that the proposed access would operate safely and that the surrounding highway network (in particular the Rotary Way roundabout) would operate within capacity. It is noted that the site fails to meet acceptable levels of sustainable travel mode accessibility.
37. *The Coal Authority* has not raised any objections subject to further investigation works being undertaken.
38. *Drainage Section* requested the submission of additional information in relation to the flood risk assessment and drainage strategy which is considered to be acceptable.

## **INTERNAL CONSULTEE RESPONSES:**

39. *Education Section* have indicated that the proposed development could produce an additional 30 primary pupils and 12 secondary pupils. There are sufficient secondary school places available but only 5 primary school places available. Consequently additional teaching accommodation will be required and a contribution of £343,875 is required.
40. *Public Rights of Way Section* have indicated that bridleway No. 7 Framwellgate Moor leads in a westerly direction towards the Arnison Centre from the roadside opposite the application site which is the only registered public right of way in the general area and is largely rural in character.
41. *Tree Section* has not raised any objections to the proposed scheme.
42. *Landscape Section* has concluded that the proposals would not have significant landscape and visual effects.
43. *Design and Conservation* has not raised any objections. It has been indicated that the retention and reuse of the principle non-designated heritage asset would be preferred however when balancing the issues against other planning matters, the demolition is considered acceptable.
44. *Environmental Management (Noise, vibration)* raise no objections subject to conditions and further control at reserved matters phase.
45. *Sustainability Section* has not raised any objections to the proposed development.
46. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further phase 2 site investigation report shall be submitted prior to development commencing.
47. *Archaeology Section* has not raised any objections to the scheme subject to conditions for archaeological investigation works and recording.
48. *Ecology Section* has not raised any objections to the findings of the submitted protected species assessment.
49. *Spatial Planning Policy Section* has not raised any objections to the findings of the viability appraisal and the business case.
50. *Asset Management Team* has not raised any objections to the findings of the viability appraisal and the business case.
51. *Housing Development and Delivery Team* has confirmed that based on the number of units, a mix of affordable rent and an affordable home ownership product would be courage to provide a range of opportunities for those requiring affordable housing.

## **PUBLIC RESPONSES:**

52. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. At the time of this report being published 5 letters of objection have been received on the

application, including letters from the City of Durham Trust, Campaign to Protect Rural England, Friends of the Durham Green Belt and nearby residents.

53. The main objections relate to the impact on the Green Belt, highway impacts and sustainability concerns. Objectors consider that the proposal would have a detrimental impact on the openness of the Green Belt and insufficient justification has been provided to justify 'very special circumstances' to allow the development to proceed. It has been indicated that the proposed development would be an intrusion in to the countryside. It is considered that the development would increase the traffic in this area and have a dangerous access. It is noted that the Chester Low Road already have vehicles which exceed the speed limit and this road is therefore unsafe. The development site is not considered to be sustainable to due to its distance from shops and services, and it is also considered that the development would create further demand on public services including medical and education facilities.

#### **APPLICANTS STATEMENT:**

54. Firmly established in County Durham, Finchale is an independent charity which has been in operation for nearly 75 years, providing specialist progression support for people with multiple and complex barriers to employment. Finchale offers a range of specialist client focussed, case managed support services in the community that help to prepare and progress disadvantaged adults into sustained employment, further education and/or training. During the 12 months period to September 2016, Finchale assisted 452 army veterans and disadvantaged/disabled clients into employment and helped clients to gain 372 new qualifications.
55. Finchale currently employs 21 members of staff, the majority of which are residents of County Durham.
56. Finchale College has historically operated as a single contract business, providing specialist support to disadvantaged adults, through a contract with the Department for Work and Pensions (DWP). Service delivery has traditionally been via a mix of on-site residential facilities and occupational training. In recent years, the funding available to Finchale College has been significantly reduced, and the charity's contract with DWP was formally terminated in September 2015. These developments reflect wider changes to the availability of public funding driven by the UK Government's deficit reduction plan.
57. In response, Finchale has been examining its business model to ensure that it continues to be fit for purpose in providing a truly valuable structured flexible and personal support and training service within County Durham and the wider area, thereby enabling those less advantaged to maximise their potential. Through this process, Finchale is working to diversify its income stream and client-base, by establishing the charity as the 'preferred training delivery partner' for a number of organisations. In addition, Finchale is strengthening its position as a specialist provider of employment-progression services for disadvantaged and hard-to-help individuals.
58. Finchale's approach to training delivery has evolved, and seeks to provide a greater focus on the provision of training on an 'outreach' basis – in contrast to the traditional approach of delivering services within the college buildings located on site. This enables the charity to serve clients across a larger geographical area.
59. The development proposals would enable Finchale to discharge the maintenance utility facility and overhead site costs which currently threaten the continued

viability of the charity. Remaining in the current premises will result in the closure of the charity. However, with the relocation to smaller, fit for purpose premises and the reinvestment of the capital as a result put into the charity, it is estimated that a secure a sustainable long term future for Finchale will be secured and the proposals would result in the retention of 18 of the 21 jobs currently supported on the current site.

60. The quantum and specification of floorspace at the site is no longer fit for purpose and far exceeds the charity's operational requirements, meaning that the site is under-utilised. This under-utilisation of space gives rise to significant operational inefficiencies, with Finchale having to fund the maintenance of redundant buildings. This issue is exacerbated by the age and condition of the premises on site, which require significant ongoing maintenance and repair works. The future of Finchale is critically dependent on the realisation of a significant capital return on the sale of the site.
61. In addition, the move to new premises provides Finchale with the opportunity to grow, by allowing the charity to diversify and adopt a more agile business model moving forwards. Reflecting the additional skill requirements that this would generate, it is estimated that 3 new jobs (in training, delivery and support functions) would be created upon relocation.
62. Finchale anticipate that a further 3 new members of staff could be required by 2019 in training, delivery and support functions. In total, therefore, the relocation could result in the charity recruiting 6 additional 'client facing' employees within less than 3 years.
63. It has been demonstrated that relocation is only viable in the event that additional development is facilitated outside the current built footprint and very special circumstances are demonstrated to justify this development on a site where the development is already established as appropriate within the Green Belt. Furthermore, the redevelopment of the site for new residential units offers the opportunity to deliver a series of additional economic benefits to the local area, including:
  - Create 115 person-years of employment in construction – equivalent to supporting an average of almost 40 temporary construction jobs throughout the duration of the anticipated 36 month build programme;
  - Support a further 60 jobs in the supply chain and related services and deliver an additional £1.3m of GVA (economic output) per annum during the construction period;
  - Attract new households to live in the area, resulting in £1.1m of net additional expenditure per annum in shops and services within County Durham. This additional expenditure could support the creation of approximately 15 new FTE jobs in the local area (primarily within the retail and leisure sectors);
  - Result in a further £465,000 of first occupation expenditure on goods and services to make a house 'feel like home' a proportion of which would be captured locally;
  - Generate New Homes Bonus payments of approximately £680,000 in total<sup>1</sup>; and
  - An uplift in Council Tax revenues of £185,000 per annum.
64. The substantial social and economic contribution that Finchale currently makes and could in the future represents very special circumstances that support development at this site.

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<sup>1</sup> It is recognised that NHB payments are contingent upon Durham County delivering total housing growth in excess of the recently imposed 0.4% threshold.

65. The applicant has undertaken extensive consultation with local members and the community. The feedback from the community is set out within the Statement of Community Involvement, which demonstrates that there is no overwhelming objection to the scheme. Indeed, over half of the respondents to the public consultation indicated that they would like to see brownfield sites such as this one, redeveloped for appropriate uses.
66. The National Planning Policy Framework (NPPF) allows the complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including the land within the Green Belt. In supporting the development of previously developed land, the NPPF does not make any presumption that such development must be contained within the existing footprint and practice and precedent clearly supports development beyond the footprint and elsewhere within the brownfield site.
67. It is Lichfields' view that the site represents previously developed land; and the redevelopment of the site as proposed will have no greater impact on the openness of the Green Belt. In addition, it is Lichfields' view that the site makes no contribution to the purposes of the Green Belt as per the NPPF, and therefore the proposals accord with NPPF paragraph 89 and development should not be restricted on the site due to its Green Belt status.
68. Despite this view, and as a result of the very positive and constructive pre-application process with the Council, we have ensured to be as thorough as possible with these proposals and have also demonstrated Very Special Circumstances, which has been demonstrated in the preparation of a Business Case report and our analysis of the Council's housing supply position.
69. The Business Case sets out that relocation of the charity within County Durham is required as the estate is under-utilised; no longer fit for purpose; and has significant repair and maintenance costs. The relocation and continuation of the charity is only viable in the event that there is full disposal of the site.
70. In terms of housing supply, and given the Green Belt designation of the site, the policy test is not simply whether Durham can demonstrate a deliverable five year housing land supply ('5YHLS'). It is whether 'very special circumstances' are demonstrated to outweigh the Green Belt objection. As such, consideration is had to the scale of the shortfall. It is Lichfields' firm view that the scale of the shortfall (between 700 and 2,000 dwellings) coupled with persistent under delivery since 2011 is of such a scale that 'very special circumstances' are demonstrated, and therefore justify the redevelopment of a small area of Green Belt within the wider developed site where development is already firmly established.
71. In the context of the applicant's consideration of the economic, social and environmental impacts of the scheme, it is clear the application proposals constitute sustainable development and, in the absence of any significant adverse impacts, the application should be approved – in line with the presumption in favour of sustainable development set out under both segments of paragraph 14 of the NPPF. It is therefore concluded that planning permission should be granted.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

Green Belt; impacts on openness; 5 year land supply; sustainability of site; highway and access issues; affordable housing and section 106 contributions; and impacts on surrounding area

## Principle of residential development and impacts on the Durham Green Belt

73. The application site is located within the Durham City Green Belt. Part 9 of the NPPF sets out that new development in the Green Belt is inappropriate and requires very special circumstances to justify it, unless it is for a number of specific circumstances relating to, for example, new agricultural buildings. New housing, as proposed in this application, is not included and therefore normally amounts to inappropriate in Green Belt terms. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to justify why planning permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy E1 of the local plan is reflective of part 9 of the NPPF, outlining that development will not be permitted unless it falls within a specific range of developments or land uses or unless there are very special circumstances.
74. The term 'very special circumstances' is not defined in planning legislation or guidance, and there are no criteria, for example, which a scheme must meet to be considered as one where very special circumstances would exist. By virtue of the circumstances being very special, they are therefore a one-off or individual set of circumstances.
75. Part of the site is allocated in the local plan under policy E2 as an infill development site within the Green Belt. Policy E2 allows, in principle, the redevelopment of the site for residential. The policy E2 allocation on the Finchale College site does not cover the whole of the College site, the allocation boundary wraps round the existing buildings on the site and does not include some of the outbuildings and open grassed areas. The proposed residential scheme subject to this application proposes a development which extends beyond the policy E2 allocation boundary but remains within the boundary of the College site.
76. The applicant is proposing an enabling development to allow for the relocation of Finchale College Charity, to clear the charity's pension deficit, address a decline in the level of reserves held by the charity, and to fund future training programmes for the charity. The applicant contends that the processes involved with the enabling development would amount to very special circumstances required to justify the otherwise inappropriate development beyond the existing policy E2 allocation.
77. In order to secure the future of the Finchale College Charity and the educational and training programmes it provides, the Charity has decided that relocation is the best option. As described in paragraph 4, the existing premises is no longer considered fit for purpose in terms of delivering the College's current model of off-site training and that approximately 50% of the premises is no longer in use which gives rise to significant operational inefficiencies including rising maintenance and repair costs.
78. The long established Charity and training provider is considered to make an important economic and social contribution to the local area, County Durham and wider region. The Charity currently employs 21 members of staff, with more than half residents of County Durham. Training and support to army veterans and

disadvantaged adults in order to assist them into sustained employment, further education or training. The Charity's work also includes projects engaged with Durham County Council to provide training and support for Durham residents to get back into work; and engagement with Groundwork North East & Cumbria on delivering a new three year project to help people in County Durham gain employment. Reach Out Across Durham (ROAD) is also a project which aims to help 650 people in across the County whose needs are not being met by existing services.

79. As previously described in this report, the business model of the Charity has changed and adapted in recent years. Historically the service delivery was through a mix of on-site residential facilities and occupational training, however the training delivery has now evolved, with greater focus on the provision of off site training on an outreach basis. This therefore means that the existing premises is no longer fit for purpose and far exceeds the Charity's operational requirements, meaning the site is under-utilised. This under-utilisation of space gives rise to significant operational inefficiencies with the Charity having to fund the maintenance of redundant buildings. This issue is exacerbated by the age and condition of the premises on site, which require significant ongoing maintenance and repair works.
80. A financial viability appraisal and business case has been submitted with the application which indicates how much capital the Charity requires from the sale of Finchale College (residual land value of the site). The capital money the Charity receives would go towards funding the capitalised cost of alternative premises, relocation costs, new IT system and marketing, clearance of pension fund deficit and restoration of reserves to input into future training and employment programmes. The viability appraisal also provides two viability scenarios. The first scenario assesses the viability of a scheme to deliver 38 dwellings which would ensure that the development would remain within the boundary of the policy E2 allocation ie. within the current build form of the College. This scenario did not yield a residual land sufficient to cover the amount required by the Charity. Scenario two assessed the viability of the scheme proposed in this application for 93 properties. The appraisal for scenario two confirmed that a scheme of 93 properties would provide enough residual land value for the Charity to fund the cost of alternative premises, introduce new IT system and marketing, clear pension fund deficit, restore Charity reserves to reinvest into future training and employment projects. It is acknowledged that income received from the sale of the site may exceed the short term requirements of the charity, however comfort is derived from the fact that any surplus income would be bound by the usual management and governance of the Charity whom have advised that with additional funding their programme could be expanded to include:
- DWP Work to Health programme
  - Programme of welfare to work
  - SSU and SSW in partnership with New College Durham and Gateshead college (up to 370 people)
  - Building Better Opportunities programme partnering with Groundwork
  - Adult Education programme for up to 200 people
  - Funding to help vocational training to employment
  - three year intensive health to work programme for up to 180 people
  - A new ABF transition to work programme for up to 80 people
  - A new Help 4 Heroes programme giving social support to employment for up to 50 people

81. The Council's Assets Team and Spatial Planning Policy Team have fully assessed the viability appraisals and business cases and are satisfied that the evidence provided is sound.
82. It is considered from the evidence provided that the proposed scheme would secure the future of the Finchale College Charity and with that bring significant social and economic benefits to residents of County Durham, in particular to residents with higher needs. Whilst it is acknowledged that there would be harm to the Green Belt, the proposed enabling development required to secure the future of Finchale College Charity would amount to the necessary very special circumstances to justify what is clearly inappropriate development. As such, it is considered that the proposals would accord with policy E1 and E2, and criteria detailed in part 9 of the NPPF.
83. It is noted that the description on the application refers to a residential scheme of up to 100 properties. The submitted illustrative layout plan shows a scheme of 93 residential properties. Importantly the figures detailed in the viability appraisal and business case refer to a residential scheme of 93 properties. Given the justification and acceptance of this scheme relying on a development of 93 residential properties, it is considered necessary to impose a planning condition restricting the number of residential units to 93 residential units. A condition is recommended accordingly.

#### Impacts on openness

84. The section above has demonstrated very special circumstances which justifies inappropriate development within the Green Belt in principle. It is further noted however that it is not considered that the proposal would have significant harm to the openness of the Green Belt in this location. The existing buildings on site are a variation of one and two storey buildings however these are large buildings which are concentrated mainly on the west boundary adjacent to the main road. There are no public rights of way through the site therefore the main public view points are from the main road to the west and the east coast railway line to the east. The design and access statement as well as the illustrative layout plan indicates that the proposals would be of two and two half storey design, and the woodland areas to the north and south would be retained. It would also be expected as part of a reserved matters application that significant landscaping would be designed in to the development of the west and east boundaries of the site to provide additional screening. The County Landscape Officer has been consulted on the proposed development and has indicated that the development would not have significant landscape and visual effects.
85. It is accepted that the proposal would result in the loss of some open areas within the site however given the existing woodland coverage within the site and the size and quantum of existing buildings on the site, it is not considered that the impact on openness would be significantly harmful to justify refusal in this instance.

#### 5 year land supply

86. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need (OAN) for housing is yet to be fully tested. The council is to consult on preferred options for the County Durham Plan shortly and this may give rise to a change in this stance.

87. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

Scenario	Dwellings per annum	Years supply against
Population Growth Short Term	1,533	4.65
Population Growth Combination	1,629	4.31
Population Growth Long Term	1,717	4.04

88. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. As such, the weight to be applied to the residential framework is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.

89. In the context of this proposal this certainly renders Saved Policy H2 'out of date'. The implication of this is that no weight should be attributed to this policy and the proposal should be determined in accordance with the two limbed test set out in Paragraph 14 of NPPF.

90. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (including meeting the needs of people who wish to build their own homes) (Paragraphs 47 – 55 of NPPF).

91. It has already been established that the Council does not have a five year supply of housing land. In the context of paragraph 14, any adverse impacts of the proposal must therefore significantly and demonstrably outweigh the benefits if it is to be refused on the basis of the sustainability of its location.

## Sustainability

92. Letters of objections have indicated that the site is not considered to be within a sustainable location. The site is detached from the nearby settlement of Newton Hall however in terms of proximity it can be argued that the site is within close distance to a large number of shops, services and public facilities. The Arnison Shopping Centre is approximately 900 metres away along footways. Distances to the nearest bus stop is over the expected waking distance however the applicant has agreed to contribute to the widening of the footpath and upgrade of the street lighting which would also benefit existing residents of Low Moor Cottages.

93. Whilst direct linkages to shops, services and public facilities are not ideal, it is considered that the site is still within close distance to these facilities. The proposal would be the redevelopment of a brownfield land which adds to the sustainability credentials, and the development would also lead to contributions towards the improvement of surrounding footpaths and lighting.
94. The level of sustainability for the development site can be argued however given the justification for the enabling argument detailed in sections above, it is considered that the refusal of the application on sustainability grounds could not be justified.

#### Highway and access issues

95. The development is proposing an access from the south west corner of the site onto the Chester Low Road. A transport statement has been submitted with the application. The County Highways Manager has assessed the proposals and the submitted application documents.
96. The transport statement considers the likely trip change in use of the site from a previous training establishment to a residential development and it concludes that there would be no net increase in levels of trip generation. It is accepted that the current use as an education centre would generate peak hour trips and the potential increase over and above that by conversion of the site to residential would not be significant. The potential trip generation would result in peak hour loading of 50-60 two way trips which would disperse at the Rotary Way roundabout junction. The Rotary Way roundabout operates within capacity and the Highways Manager indicates that the additional loading would not cause instability.
97. The transport consultant has undertaken speed surveys and calculated safe stopping distances. It is also noted that accident statistics of the existing site junction over the past 5 years indicate no problems. The Highways Manager has raised no objections over the proposed access.
98. The Highways Manager has indicated that the proposed site fails to meet acceptable levels of sustainable travel mode accessibility. The site is located some 750 metres from the nearest bus stop along a narrow footway in poor condition. The Highways Manager has indicated that if this development is to be approved, then the footway along Low Chester Road from the development site to the nearest bus stop at Rotary Way roundabout would need to be widened and resurfaced; and also the street lighting in this location would need to be upgraded. The applicant has agreed to these highway works and contribution towards these works can be secured through a section 106 legal agreement.
99. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

100. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”. A development of this scheme usually expects 20% of the housing on the site to be affordable homes with a mix of affordable rent and an affordable home

ownership. The applicant has indicated within the affordable housing statement that the type of housing being offered will be agreed with the Council. The Housing Development Manager has indicated that the affordable housing split should be 75% affordable rent and 25% affordable home ownership and the applicant has agreed to this. The provision of the affordable housing will be secured through a section 106 legal agreement.

101. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development and the applicant has committed to a contribution of 1% of build costs in this regard. A contribution of £343,875 is to be made towards education for additional primary school accommodation in the locality. As discussed under the highways section of this report, the applicant will also be contributing towards the upgrade and improvements of footways and lighting. These contributions will be secured through a Section 106 legal agreement.
102. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2, T1 and Q15 of the local plan.
103. Giving the enabling development argument submitted with this application and acceptability of the proposed scheme relying on the relocation of the Finchale College Charity to a premises within County Durham, it is considered necessary to secure the relocation of the Charity within a section 106 legal agreement.

#### Impacts on surrounding area

104. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no major objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.
105. 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.
106. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

107. An Ecology Survey of the site has been submitted with the application. This survey concludes that the site has low potential to support any hibernation or bat roosting. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
108. Overall it is considered that the proposed development would not have an adverse impact on drainage and flooding in and around the site; and protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.
109. In terms of residential amenity, it is noted that the application is made in outline therefore the layout and positioning of properties is reserved for future consideration. The illustrative layout does indicate that 93 properties can be accommodated on the site which provides sufficient separation distance with the properties at Low Moor Cottages and also provides adequate amenity space between the proposed units.
110. It is noted that the proposed site is directly adjacent to the east coast railway line. There is therefore the potential for noise and vibration disturbance to prospective buyers of the proposed properties. This has been recognised by the applicant and a noise and vibration assessment was undertaken and submitted with the application. The Council's Environmental Management Officer has highlighted the location of the site in relation to the east coast railway line, and there is the potential for future occupiers of the development to be adversely affected by noise and vibration from the railway. The Environmental Management Officer has not raised any significant objections to the proposed scheme and conditions are recommended for further controls at reserved matters stage. Allowing residential properties to be located near railway lines is not uncommon and there are various examples, including nearby in Newton Hall where properties are located just as close to the railway. It is also noted that the social and economic benefits (detailed in other sections of this report) of developing on this site can override the noise and vibration issues in this instance.
111. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

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## **CONCLUSION**

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112. Following a rigorous assessment of every aspect of the viability appraisal and business case put forward by the applicants in support of their scheme, it is considered that substantial social and economic benefits for residents of County Durham would be brought about as a result of the relocation of the Finchale College Charity. The proposed enabling development of a residential scheme of 93 properties would secure the relocation of the Charity and the future of the training and employment programmes which have been long running from this

Charity. It is considered that the weight apportioned to these benefits would amount to very special circumstances necessary to justify inappropriate development in the form of new housing in the Green Belt.

113. It is accepted that the proposal would result in the loss of some open areas within the site however given the existing woodland coverage within the site and the size and quantum of existing buildings on the site, it is not considered that the impact on openness would be significantly harmful to justify refusal in this instance.
114. Whilst direct linkages to shops, services and public facilities are not ideal, it is considered that the site is still within close distance to these facilities. The proposal would be the redevelopment of a brownfield land which adds to the sustainability credentials, and the development would also lead to contributions towards the improvement of surrounding footpaths and lighting to the benefit of existing residents in the area.
115. Adequate separation distances can be achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. The close proximity of the east coast railway line is noted and that noise and vibration could be an issue, however it is noted that there are other examples of properties within close proximity to railway lines and therefore this issue is not sufficient to warrant refusal of the application. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
116. The Highways Authority has confirmed that the access into the site would be acceptable and the impact on the surrounding road network would not be compromised as a result of the development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
117. The development would provide a mix of affordable housing which would contribute to the local housing mix. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality; contribute towards public art, contribute to educational facilities, and improve pedestrian links near to the site.
118. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
119. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.
120. It is acknowledged that the proposal has generated some opposition from local residents, groups and organisations. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support.

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## RECOMMENDATION

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the relocation of the Finchale College Charity prior to development commencing within County Durham; secure 20% affordable housing; a financial contribution of £1000 per unit towards green infrastructure in the locality; and a financial contribution of 1% of build costs towards public art in the locality; a financial contribution of £343,875 towards education; a financial contribution towards the upgrade and improvements of highway footpaths and street lighting; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

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

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
SD-00.01	Site Location Plan	16/12/2016

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

4. No development shall take place until a detailed scheme including site investigations to confirm remedial works to treat areas of shallow mine workings has been submitted to and approved in writing by the local planning authority. Any identified remedial works shall be undertaken prior to commencement of development and the development shall be carried out in accordance with the approved details.

*Reason: To ensure the stability of the land and to comply with policy U13 of the City of Durham Local Plan.*

5. No development shall take place until a detailed scheme for the widening and resurfacing of the footway and upgrade of street lighting along Low Chester Road from the development site to Rotary Way roundabout has been submitted to and approved in writing. The approved scheme shall be implemented prior to the occupation of the development.

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

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.*

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

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

8. The development hereby approved shall be carried out in full accordance with all mitigation measures within the Desktop Noise and Vibration Assessment dated March 2016, Noise Assessment dated February 2017 and Vibration Assessment dated February 2017 prepared by Wardell Armstrong.

*Reason: In the interests of residential amenity for future occupiers and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

9. No development shall take place until a woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the Approved Woodland Management Plan and all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by E3 Ecology Ltd dated December 2016 and the Ecological Impact Assessment dated February 2017.

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

10. The development hereby approved shall not exceed 93 residential properties.

*Reason: For the avoidance of doubt and to comply with policy E1 of the City of Durham Local Plan and Part 9 of the National Planning Policy Framework.*

11. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

- i. Methodologies for a Historic England-style building record prior to any conversion works or stripping out of fixtures and fittings.
- ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
- iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

*Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.*

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

*Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.*

13. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
  2. Details of methods and means of noise reduction
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
  5. Designation, layout and design of construction access and egress points;
  6. Details for the provision of directional signage (on and off site);
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
  13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

14. 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.*

15. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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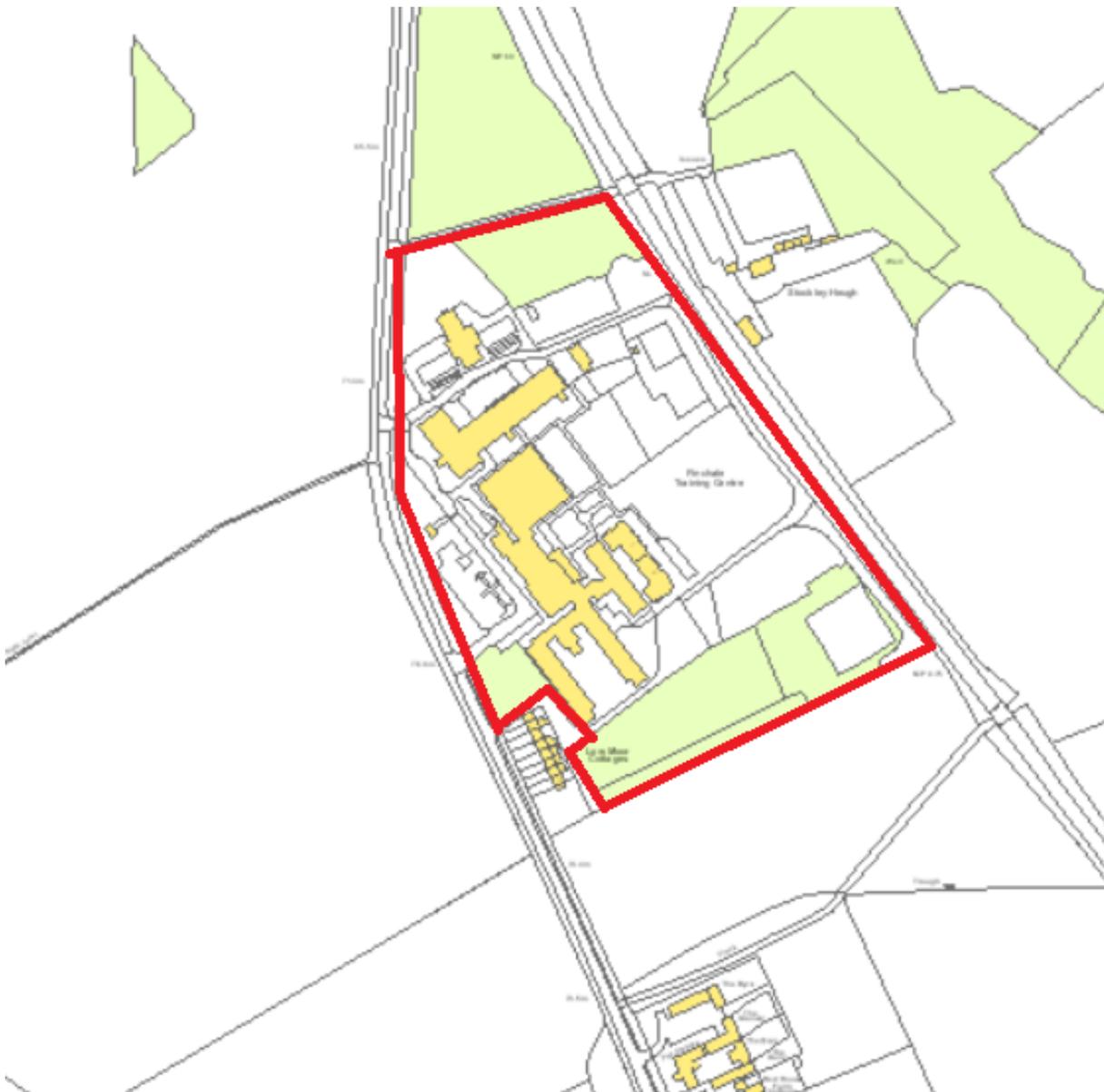
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance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

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## **BACKGROUND PAPERS**

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



**Planning Services**

**Outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works at Finchale Training College, Newton Hall, Durham, DH1 5RX  
Ref: DM/16/03998/OUT**

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**Date 14<sup>th</sup> March 2017**

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## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>DM/16/01048/FPA</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>Demolition of derelict hotel and erection of a four storey mixed use development (part retrospective)</b>
<b>NAME OF APPLICANT</b>	<b>Mr David Gill</b>
<b>SITE ADDRESS</b>	<b>Harbour View Hotel, 18 North Terrace, Seaham</b>
<b>ELECTORAL DIVISION</b>	<b>Seaham</b>
<b>CASE OFFICER</b>	<b>Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL****Site:**

1. The former Harbour View Hotel on North Terrace was a part two storey, part three storey rendered property built in the 1830's as part of the first phase of the development of Seaham. The two storey extension to the rear was a later addition, the building envelope occupied approximately 60% of the site. The site is enclosed by a mix of red brick and rubble stone walls to the south and west of varying ages. The building was vacant for at least five years before being subject to a major fire in September 2015 which caused extensive damage. Members should note that in the time between submission of this application and the writing of the report the building has collapsed and the site has been cleared, this will be discussed further later in the report.
2. The former Harbour View building was not listed, although it is within the historic core of the Seaham Conservation Area, in a mixed use promenade facing onto a prominent and well used public open space with views out to the sea beyond. To the southeast is the Grade II listed former Police Station now converted to flats.
3. Seaham is a local tourism destination with the promenade the focal point for visitors, and the hub of commercial activity with Church Street to the south providing secondary retail uses. The site is therefore significant in terms of public appreciation and awareness of the historic character of Seaham as well as visual prominence within the street scene.

## Proposal:

4. These proposals seek permission for the demolition of the former derelict Harbour View Hotel at 18 North Terrace, Seaham and its replacement with a four storey mixed use development, although this will appear as a three storey building with dormer style windows in the roofspace.
5. Due to major fire damage the building collapsed in the summer of 2016. However, demolition still forms part of this application as the demolition of a building within a conservation area requires consent, albeit this is now retrospective
6. The proposal seeks a new mixed use development comprising A3 (restaurant and café), A4 (drinking establishment) and B1 (offices) uses at ground floor and first floor with 2 apartments, and 2 staff apartments on the second floor and a penthouse apartment on the third floor. The scale of the proposed building including its height would be very similar to the building which previously stood on the site.
7. There would be extensive glazing across the main North Terrace elevation including shop fronts at ground floor level. The materials used would include red facing brickwork, off-white render and grey powder coated aluminium windows along with a traditional slate roof to match the surrounding buildings. Eight car parking spaces would be provided to the rear of the building which would be accessed from the side or rear lane.
8. This application is being reported to committee as it is classed as a major development.

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## PLANNING HISTORY

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9. None relevant.

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## PLANNING POLICY

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### NATIONAL POLICY:

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

The following elements are considered relevant to this proposal:

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

13. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *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 those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

16. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
17. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
18. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
19. *Policy 22* – The Council will seek to preserve and enhance the character, appearance or setting of the districts conservation areas.  
  
*Policy 24* – Any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
20. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

21. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
22. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
23. *Policy 101* – The role of Peterlee and Seaham Town Centres, as the main retailing centres in the district, will be protected and promoted.
24. *Policy 109* – The scale, design and materials of new or redesigned shopfronts should relate satisfactorily to the building in which the shop front is to be installed and to adjacent buildings.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

### **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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. None relevant

### **INTERNAL CONSULTEE RESPONSES:**

27. Design and Conservation officers have negotiated with the applicant which has resulted in several amendments to the scheme being made. Officers support the agreed scheme subject to a materials condition.
28. Ecology officers considered the demolition of the building (before collapse) to be of low risk due to extensive fire damage.
29. Environmental Health officers have no objections to the proposals subject to conditions requiring a sound proofing scheme given the potential conflict between the uses and residential apartments and a construction management plan.
30. Highways officers have no objections to the location and level of parking provision.

## **PUBLIC RESPONSES:**

31. Northumbrian Water have no comments.
32. No letters have been received from surrounding occupiers.

## **APPLICANTS STATEMENT:**

33. The applicant seeks to obtain permission for a ground-floor restaurant with ancillary facilities in the basement, a first-floor bar/restaurant together with staff and private residential accommodation on the upper floors.
34. The applicant owns and operates Gill's Fry-Fry at 19, North Terrace. In addition, he is the landlord of The Lamproom at 20, North Terrace.
35. The applicant has vast experience in food and drink industry having 24 similar outlets and he considers that his knowledge will result in a very successful project.
36. If granted, the scheme will generate 75 secure jobs for local people. In addition, the scheme will enhance the existing, successful status of North Terrace by supplementing the existing range of options.
37. The site is currently vacant and the proposals seek to replace what was previously a hotel/public house, which was in a serious state of disrepair following a fire and subsequent collapse, with a landmark building which will be a benefit to the whole town.
38. The design of the new building has evolved over a period of time with the input of the relevant officers of Durham County Council who are satisfied with the proposals in terms of aesthetics, scale, massing and highways requirements.
39. The applicant is involved in the development of other sites on North Terrace and is, therefore, making a substantial investment in the immediate area which he has already helped improve. Furthermore, he considers that this area of Seaham still has more potential in terms of the economy, tourism and employment for the town.

*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*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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40. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. In this instance the main relevant considerations are the principle of the development, the impact on the street scene and conservation area and highways issues.

## **Principle of the development**

41. Policy 1 of the District of Easington Local Plan requires that development should exhibit a high standard of design and requires that the visual and general amenity of those in the area should be protected. Further Policy 35 requires that new development should reflect the scale and character of adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. Policy 22 requires that within Conservation Areas, development should not detract from the character, appearance or setting of the Conservation Area. Development within Conservation Areas should be appropriate in terms of siting, layout, site coverage, height, roof style detailed design and materials. Policy 109 states that new or redesigned shop fronts should be of a scale, design and materials that relate satisfactorily to the building and to adjacent buildings.
42. The ground and first floor of the premises is proposed to be a mixed use development comprising A3 (restaurant and café), A4 (drinking establishment) and B1 (offices) uses which would create an active frontage at street level with well designed shop fronts. The proposed redevelopment would be in keeping with the character of the area which is of mixed use and is located near commercial properties, some of which have residential flats above. It is considered that the design, scale and layout of the proposals would enhance this prominent part of the conservation area and on this basis the proposals would accord with the saved policies of the District of Easington Local Plan.
43. In terms of the National Planning Policy Framework parts 1, 7 and 12 are particularly relevant. Part 1 aims to build a strong, competitive economy and seeks to ensure that the planning system supports jobs, prosperity and sustainable economic growth. A development such as the one proposed is wholly appropriate in this location and the applicant has advised that there is potential to create up to 75 jobs. Part 7 requires good design and states that good design is a key aspect of sustainable development and development should contribute positively to making places better for people. Part 12 seeks to conserve and enhance the historic environment. As stated above the proposed development of the site is considered to be of high quality which would have a positive impact on the conservation area. Accordingly, the proposals are considered to be in accordance with both saved local plan policy and the National Planning Policy Framework and are therefore acceptable in principle.

## **Impact on the street scene and conservation area**

44. In terms of the demolition, the former building had been previously identified as a building of local interest which contributed to the character and appearance of the Seaham Conservation Area, now more commonly referred to as a non-designated heritage asset. The loss of the building would therefore have been considered to cause substantial harm to the designated conservation area.
45. Paragraphs 133 and 134 of the NPPF outline the special justification case which must be prepared and submitted before the Local Planning Authority should approve development resulting in such substantial harm.
46. Before the collapse of the building, the applicant submitted a fire damage report, itemised costs of repair/rebuild and a valuation report to justify the loss of the

building. This indicated that the building was beyond economic repair and met the first two criteria of para 133 of the NPPF regarding the nature of the site and viability of retention. In this location and for an unlisted building there are very limited options for grant assistance. The final criteria relates to the desire to bring the site back into use. The loss of the former building was unfortunately inevitable given its condition and the benefits of regeneration versus the retention of a dilapidated fire damaged property in a prominent location were clear.

47. The applicant has submitted clear and convincing justification that the building was not economically viable for repair and conversion given the extent of the fire damage and extensive rebuild and repairs that were required. In any case such extensive works would have undermined the authenticity and integrity of the building as a non-designated heritage asset. Notwithstanding that the building has now collapsed and the site cleared, the principle of demolition would have been accepted by officers.
48. The proposed new development consists of a three storey mixed use building with roofspace accommodation providing commercial units to the ground and first floor with residential flats above. The scale of the new building reflects the former Harbour View Hotel and is appropriate in this location.
49. The design of the building has evolved through negotiations with officers since pre-application stage and some elements such as the recessed shopfront have been addressed (this is now a glazed frontage) and a lighter touch has been introduced to the front elevation dormer. To the front elevation there is also good relationship between the shopfront pattern and the openings to the flats above resulting in an attractive vertical emphasis. To the side elevation the rhythm of openings also provides an attractive appearance. To the rear a covered area of 8 car parking spaces is to be provided. In terms of materials it is proposed to use a traditional red brick, off-white render and a traditional slate roof whilst the windows would be made from grey powder coated aluminium. These material types have been agreed with design and conservation officers although samples need to be agreed and this should be conditioned.
50. The proposed new development would be a large building in a prominent site and it is important that the opportunity to make a positive contribution to the streetscene is maximised to mitigate the loss of the existing historic building. The height and scale of the proposed building is appropriate whilst the design is of high quality and would add a contemporary feature to the historic environment provided that the details of materials are agreed. The development would have no adverse impact on surrounding occupiers in terms of loss of light, privacy or overshadowing. Overall it is considered that this proposal represents an excellent quality development which is appropriate in this prominent part of Seaham which would enhance the conservation area.

## **Highways Issues**

51. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
52. The site lies within the busy seafront area of Seaham close to the town centre which is well served by public transport, there are also public car parks close by including a large car park directly adjacent the development. As mentioned previously, there

would be 8 parking spaces provided to the rear of the development and this level of parking has been considered acceptable by highways officers. However, a condition would be required which restricts the car parking spaces to residents of the apartments only to ensure that any employees use alternative parking arrangements.

53. Overall, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

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## **CONCLUSION**

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54. The principle of the demolition of the former Harbour View Hotel would have been accepted by officers given its fire damaged and dilapidated appearance within the conservation area and given the damage and viability reports submitted by the applicant. The new development proposals have been subject to significant negotiations with design and conservation officers who now offer their full support. The scheme would result in a high quality new development in this busy and prominent part of the conservation area and would attract new businesses, jobs and further tourism opportunities and on this basis the application is recommended for approval.

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## **RECOMMENDATION**

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

### **Conditions:**

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

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

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

Location plan received 31.3.2016  
Amended proposed elevations revision G  
Proposed basement and ground floor plan C-03 Rev A  
Proposed first and second floor plan C-04 Rev A  
Proposed third floor plan C-05 Rev A

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

3. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity and to accord with policy 1 and 35 of the District of Easington Local Plan.*

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

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

5. Development shall not commence until a scheme for sound proofing has been submitted and approved in writing by the Local Planning Authority. The scheme should be supported by a noise impact assessment carried out by a qualified and competent person. The scheme shall ensure that the noise insulation of walls/floors/windows between the separate and adjoining properties shall be sufficient to prevent excessive ingress/egress of noise. Thereafter the development shall take place in accordance with the approved scheme in perpetuity.

*Reason: In the interests of residential amenity and to accord with policy 1 and 35 of the District of Easington Local Plan.*

6. No A3 or A4 uses shall be brought into use until a details of ventilation, extraction and plant have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details in perpetuity.

*Reason: In the interests of residential amenity and to accord with policy 1 and 35 of the District of Easington Local Plan.*

7. Development shall not commence until a signage scheme for resident parking to the rear of the building has been submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved scheme in perpetuity.

*Reason: In the interests of highway safety and residential amenity and to accord with policy 1, 35 and 36 of the District of Easington Local Plan and part 7 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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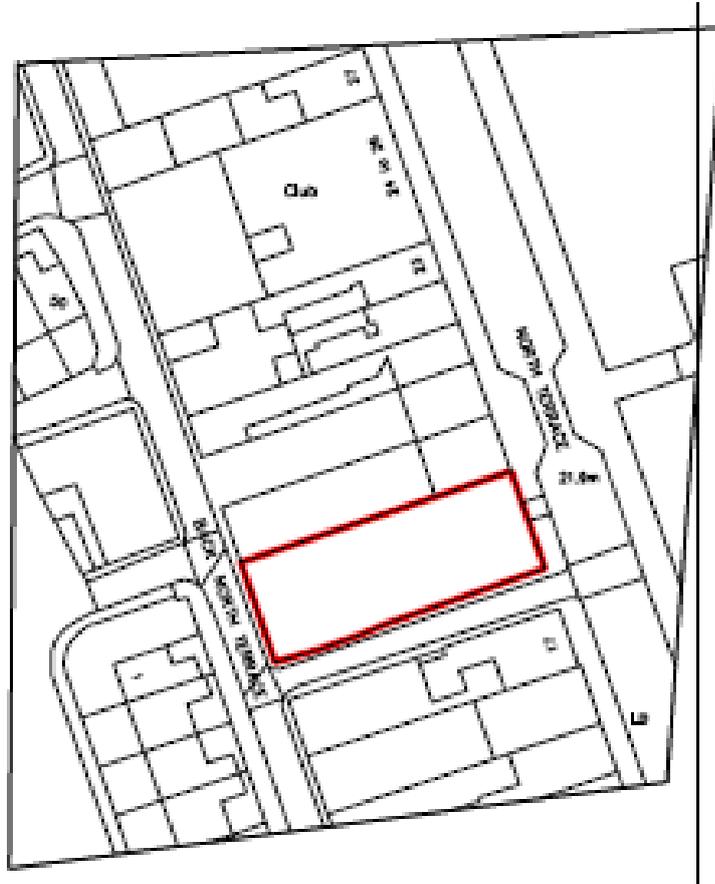
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance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

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Pre-Submission Draft
- Consultation Responses



**Planning Services**

**Proposed Demolition and redevelopment of the former Harbour View Hotel, Seaham**

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**Comments**

**Date** March 2017

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/02536/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	50 dwellings
<b>NAME OF APPLICANT:</b>	Gleeson Regeneration Ltd.
<b>ADDRESS:</b>	Former Shinwell Centre, Stephenson Road, Peterlee
<b>ELECTORAL DIVISION:</b>	Peterlee East
<b>CASE OFFICER:</b>	Barry Gavillet, Senior Planning Officer, 03000 261958, barry.gavillet@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site:

1. This application site is approximately 1.33 hectares in size and is located within the Electoral Division of Peterlee East. It is on land previously occupied by the former Shinwell Centre which was a purpose built adult training centre owned by the Council. The building has recently been demolished and the site is now cleared grassland. The site is part of the North East Industrial Estate in Peterlee which is allocated as a General Industrial Estate in the District of Easington Local Plan.
2. The site is located to the northern edge of Peterlee within the settlement boundary and is approximately 1 mile from the town centre. The site is bounded to the north by Stephenson Road with the Walkers Crisps factory beyond, to the west are residential properties and Essington Way, which is the main road into the town centre, to the south are more residential properties whilst to the east there is vacant space and redundant industrial units.
3. There are numerous bus stops nearby giving good access to the town centre and other local centres, there are also schools, shops, healthcare providers and other community facilities in the surrounding area.

#### Proposal:

4. This application proposes the development of 50 dwellings comprising 16 no. 2 bedroomed units, 32 no. 3 bedroomed units and 2 no. 4 bedroomed units. The density of the site would be 37 units per hectare.
5. All dwellings would be 2 storeys in height and all would have their own front and rear garden areas along with two parking spaces, additional visitor spaces would also be provided across the site. The dwellings would be constructed from a mix of red brick, render and concrete roof tiles with the principle vehicular and pedestrian access being off Stephenson Road to the north of the site, the applicant has also agreed to provide an additional pedestrian footpath to Essington Way to the west which would provide good access to bus services and links to the town centre.

6. This application is being reported to committee as it is classed as a major development.

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## **PLANNING HISTORY**

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7. DM/15/03286/PND. Prior notification for the demolition of the day centre – approved.

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## **PLANNING POLICY**

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

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

11. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
13. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be

safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

16. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and *associated* infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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

##### District of Easington Local Plan

18. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
19. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
20. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
21. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
22. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
24. *Policy 53* – B1 (business), B2 (general industry) and B8 (warehousing) will be permitted on General Industrial Estates.

25. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
26. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

## **RELEVANT EMERGING POLICY:**

### The County Durham Plan

27. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

28. None.

### **INTERNAL CONSULTEE RESPONSES:**

29. Education officers have confirmed that there are sufficient primary and secondary school places in the area.
30. Highways officers have no objections to the proposals after receiving amended plans. Access and parking provision is acceptable.
31. Tree officers have requested a condition requiring an accurate tree protection plan.
32. Landscape officers are agreeable to the landscaping buffer to Stephenson Road but have requested a detailed landscaping scheme.
33. Environmental Health officers have no objections subject to conditions requiring a contaminated land validation report, a construction management plan and compliance with the mitigation contained in the submitted noise report.

34. Ecology officers have noted that the site is within close proximity to the EU protected sites on the coast and have therefore requested appropriate mitigation.
35. The Councils Principal Valuation Surveyor has confirmed that the development would not be viable with the inclusion of affordable housing.
36. Drainage officers have requested a condition requiring a surface water drainage scheme.
37. Design officers have some concerns relating to the layout, boundary treatment and footpath connections.

**PUBLIC RESPONSES:**

38. Northumbrian Water have no objections subject to a condition requiring compliance with the submitted drainage assessment.
39. Business Durham have some concerns regarding the potential conflict with the nearby Walkers Crisp factory.
40. One letter of objection has been received from a nearby resident who has concerns about the loss of trees and wildlife.

**APPLICANTS STATEMENT:**

41. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable.
42. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The viability of the site has been scrutinised and although affordable housing cannot be provided, contributions are proposed in line with Habitat Regulations Assessment towards off-site enhancements along the coast. The proposal achieves a density level of around 37 dwellings per hectare and is integrated well into the locality through the design proposals which accords with National Planning Policy.
43. All criteria required to be complied with in Policy requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times during the planning submission, to take into account the comments made.

44. Development of this site will bring a number of benefits to Peterlee including around £60K of additional Council Tax per annum and New Homes bonus payment to the Council of around £350K over a 6 year period. The scheme will also provide a number of jobs and apprenticeships to local people, as well as safeguarding many current jobs.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon surrounding occupiers and character and appearance of the area, highways issues and Section 106 contributions.

### **Principle of the Development**

46. This application proposes a residential development of 50 houses on the site of a former Adult Training Centre which lies within the built up area of Peterlee. It lies on the western edge of North East Industrial Estate, and within the boundary of the estate as defined in the District of Easington Local Plan. Saved Policy 53 of the Local Plan restricts uses on general industrial estates such as this to Class B1 (business), Class B2 (general industry), and Class B8 (warehousing), along with some limited and specified retail uses. Consequently, in strict planning terms the development of the site for housing would be in conflict with Saved Policy 53 of the Local Plan.
47. Paragraph 22 of the NPPF makes clear that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It highlights that land allocations should be regularly reviewed for this reason. A review of all employment sites previously allocated in Local Plans in County Durham relative to employment need was carried out in the County Durham Employment Land Assessment 2012. This highlighted that the eastern part of the North East Industrial Estate was predominantly vacant and in a poor state of repair. This part of the site has subsequently been granted outline permission for residential development and the boundary of the employment designation should now reflect this residential permission. The remaining western part of the North East Industrial Estate, where the proposed residential site is situated, was considered viable for employment use in this employment assessment and the boundary of this part of the designation, as defined in the Local Plan can therefore be considered as up-to-date. On this basis, the development of the site for housing, which is situated on the western edge of the industrial estate, would be in conflict with Saved Policy 53 of the EDLP.
48. Durham County Council is unable to demonstrate a 5 year supply of deliverable housing land as Objectively Assessed Need for housing is yet to be fully tested. The current position therefore is that as of August 2016, Durham County Council has a deliverable supply of 9,527 dwellings. The Issues and Options Local Plan presented for consultation three scenarios for future housing growth that were subject to consultation and will be tested as part of establishing the OAN for County Durham. The supply of housing can be considered against these three scenarios as follows:

Scenario	Dwellings per annum	Years supply against
Population Growth Short Term	1,533	4.65
Population Growth Combination	1,629	4.31
Population Growth Long Term	1,717	4.04

49. As the Council is currently unable to demonstrate a 5-year housing land supply against full Objectively Assessed Needs (OAN) for housing, paragraph 49 of the NPPF is relevant and policies for the supply of housing should not be considered up-to-date. Paragraph 49 also makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. As such, the weight to be applied to the residential framework in the EDLP is reduced. In this circumstance paragraph 14 is engaged and this sets out an overarching position that where the development plan policies are out-of-date (or not up-to-date in respect of paragraph 49), planning permission should be granted unless, via a two limbed approach: firstly, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or, secondly specific policies in the NPPF indicate development should be restricted.
50. The main purpose of the Framework is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment. In providing housing a key theme of the NPPF is to seek to boost significantly the supply of housing and expects LPAs to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Paragraphs 47 – 55 of NPPF).
51. The balance to be considered in assessing this application in the context of para 14 of the NPPF is if the use of the site for housing would undermine the availability of employment land to meet identified employment needs. The proposed housing site is on the outer western edge of North East Industrial Estate. It is adjacent to Essington Way which is an artery to the centre of the town, serving housing areas immediately opposite and adjacent to the site. The site was formerly an Adult Training Centre run by the Council, a social use which did not fall into the specified employment uses which are generally acceptable on an industrial estate. The site had been in this use for at least 20 years and, perhaps, for as long as this industrial area has existed. The proximity and relationship of this quasi social use to adjoining residential areas on the periphery of the industrial estate no doubt helped to re-inforce its social rather than employment function.
52. The proposed residential site is situated on a designated employment site restricted to employment uses. However, the site was not formerly in one of the identified employment uses and may never have been so. Its use for housing would not therefore remove or undermine employment uses on the site to any greater degree than has already been the case for many years. The site is also on the outer edge of the housing estates, relating well to existing residential development situated opposite and immediately to the south. Taking all these factors into account, it is considered that the residential use of this site would not reduce the availability of employment land to a degree that would prejudice employment needs, with the site otherwise situated in a sustainable location suitable for housing.

## Impact upon surrounding occupiers and character and appearance of the area

53. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
54. In terms of the street scene it is considered that the scheme is of a good quality. The development has been designed to have an attractive landscaped frontage onto Stephenson Road which is the principle vehicular and pedestrian access to the north of the site. Although some trees around the perimeter of the site would be lost, the majority of the trees would be retained along Essington Way to provide adequate screening.
55. The development would face inward in response to the site constraints which would provide natural surveillance to the pedestrian routes including an additional pedestrian footpath to Essington Way to the west which would provide good access to bus services and links to the town centre.
56. All dwellings would be 2 storeys in height and all would have their own front and rear garden areas along with two parking spaces, additional visitor spaces would also be provided across the site. The dwellings would be constructed from a mix of red brick, render and concrete roof tiles which is considered appropriate in this location.
57. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.
58. It should be noted that there is a large Walkers Crisp factory across Stephenson Road to the north of the site. Some concerns have been raised by Business Durham (not by Walkers Crisps) regarding a potential conflict between the residential properties and the factory operation. Environmental Health have been consulted and have confirmed that they have no objections subject to the mitigation in the submitted noise report being conditioned. This would include features such as specially glazed windows and fencing etc. including an acoustic fence to the north of the site on Stephenson Road. There are also no concerns raised by environmental health officers with regard to any odour nuisance.
59. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is currently a site with no significant amenity or landscape value. There would be little or no impact on nearby residents given the distances involved. Having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

## Highways Issues

60. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
61. As mentioned previously, the main vehicular and pedestrian access to the site would be from the north off Stephenson Way. Highways officers are satisfied that this access point and visibility splay is acceptable. During the application process officers requested a secondary pedestrian access in order to create additional links onto Essington Way where there are nearby bus stops. The applicant has agreed to do this and amended the plans accordingly. Highways officers have also confirmed that the level of residential and visitor parking provision is acceptable.
62. Overall, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

## Section 106 contributions

63. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
64. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. As part of the planning application process the applicant submitted a viability assessment which showed that the development would not be viable with the provision of affordable housing. The Councils Principle Valuation Surveyor has assessed the submission and has agreed with the conclusion that the site would not be viable if affordable housing was provided.
65. In addition to the above, saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £500 per dwelling towards the provision or improvement of offsite recreation in the electoral division.
66. Finally, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
67. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI). and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
68. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to

take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control and any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution to be used toward a scheme to reduce the number of access points to Special Protection Areas as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15 in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.

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## **CONCLUSION**

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69. In the context of paragraph 14, there are no adverse impacts that would significantly outweigh the benefits, the site is modest in scale and extends into an area of land which has recently been cleared and which is already partially screened by tree planting, the proposal is adjacent to established residential areas and there is a good range of facilities and services in the town to serve the development. The site is situated on a designated employment site restricted to employment uses. However, the site was not formerly in one of the identified employment uses and may never have been so. Its use for housing would not therefore remove or undermine employment uses on the site to any greater degree than has already been the case for many years. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout and is therefore recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- i. £12,500 contribution toward the scheme to reduce the number of access points to Special Protection Areas as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15.
- ii. £25,000 contribution toward enhancement or provision of play facilities in the Peterlee East Electoral Division.

### **Conditions:**

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

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

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

A4 LOC GH45XLX02 260716 Location Plan  
201 House Type 201S(F)  
301 House Type 301W(G)

302 House Type 302S(G)  
303 House Type 303R(E)  
304 House Type 304P(E)  
307 House Type 307Z(B)  
309 House Type 309N(E)  
310 House Type 310M(D)  
401 House Type 401U(G)  
Standard Single Garage SD700A  
Standard Double Garages SD701A  
Standard Terraced Garages SD712D  
Plot Drainage Sheet 1A STE-16-09-08-01  
Plot Drainage Sheet 2A STE-16-09-08-02  
Amended Boundary Treatments Plan GH45XLX04D  
Amended Site Layout Plan GH45XLX01D  
Amended Landscaping Plan GH45XLX03D

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

3. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

*Reason: In the interests of visual amenity in accordance with saved Policies 1 and 35 of the Easington District Local Plan and part 7 of the NPPF.*

4. No development shall commence until a detailed scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and in accordance with BS 5837 2012.

*Reason: In the interests of the appearance of the area and to comply with part 7 of the National Planning Policy Framework.*

5. Development shall not commence until a scheme for the disposal of surface water from the development hereby approved has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.*

6. Upon completion of the development works, a Phase 4 Verification Report (Validation Report) confirming the topsoil is clean and therefore suitable for reuse shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If during the development works any contamination is identified that has not been considered in the Phase 2, 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.

*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 development hereby approved shall be carried out in accordance with the Flood Risk Assessment by RWO Associates dated April 2016.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.*

8. The development hereby approved shall be carried out in accordance with the Drainage Assessment by MJ Gleeson dated July 2016.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.*

9. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity and to accord with policy 1 and 35 of the District of Easington Local Plan.*

10. The development hereby approved shall be carried out in accordance with the mitigation contained in the Noise Assessment by LA Environmental Consultants dated 12<sup>th</sup> September 2016.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.*

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

*Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

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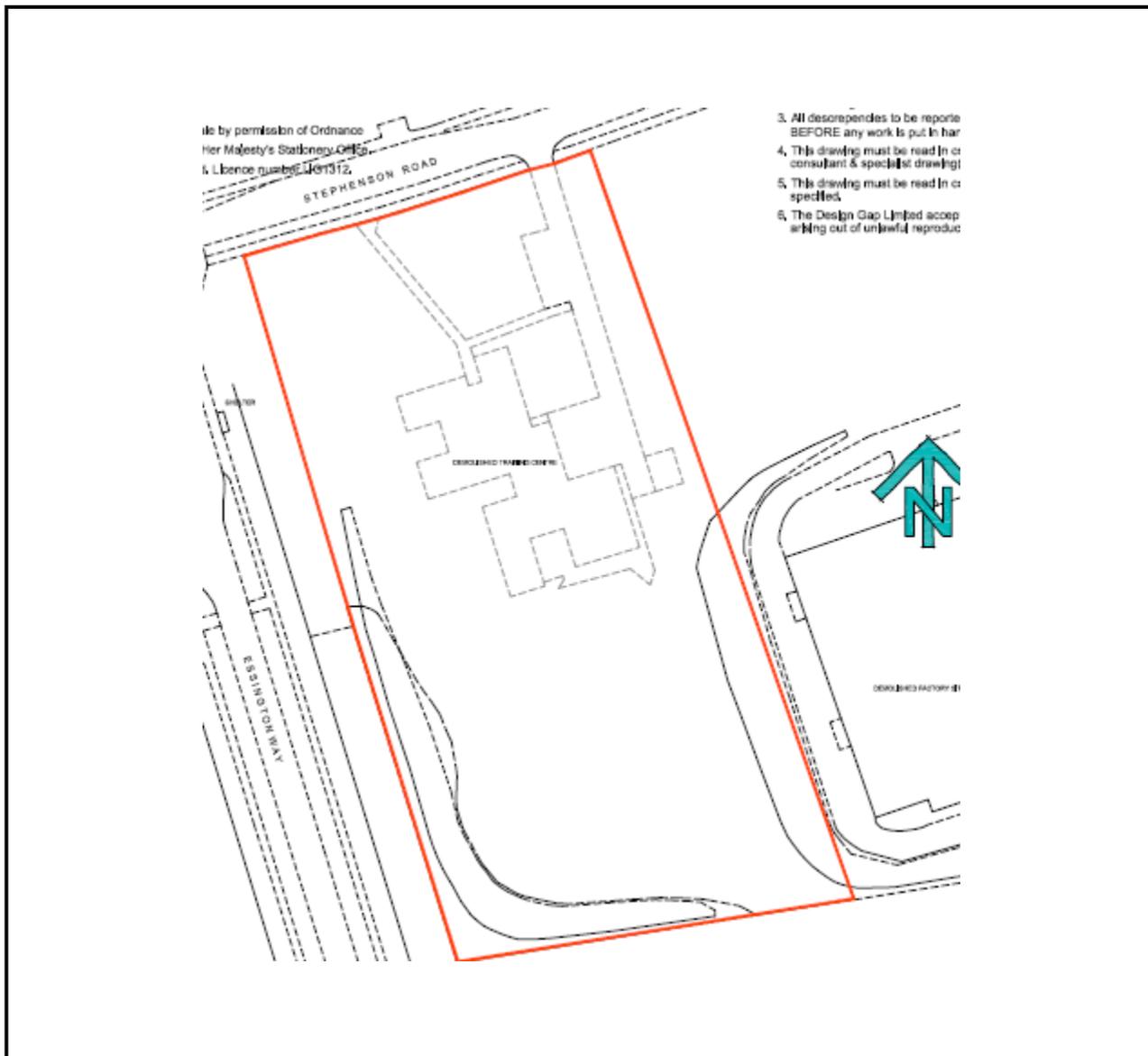
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

# BACKGROUND PAPERS

Submitted application form, plans supporting documents  
 The National Planning Policy Framework (2012)  
 National Planning Practice Guidance Notes  
 District of Easington Local Plan  
 The County Durham Strategic Housing Land Assessment  
 The County Durham Strategic Housing Market Assessment  
 Statutory, internal and public consultation responses



 <p><b>Durham County Council Planning Services</b></p>	Residential development comprising 50 dwellings	
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	<b>Date</b> March 2017	