



Area Planning Committee (Central and East)

Date Tuesday 13 June 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held 11 April 2017 (Pages 3 - 18)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/17/00124/FPA - 2 Crossgate Peth, Durham (Pages 19 - 28)
Single storey rear infill extension, insertion of 2no. rooflights to rear, increase of main roof height by 80mm and dormer window to front (Re-submission and Retrospective).
 - b) DM/16/03941/FPA and DM/16/03942/LB - Durham County Club, 52 Old Elvet, Durham (Pages 29 - 44)
Adaptation of existing building to provide 12 individual apartments with 3 dormer windows on the rear and internal and external alterations (Amended Plans).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Clare Pattinson

Interim Head of Legal and Democratic Services

County Hall
Durham
5 June 2017

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

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

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan,
M Davinson, D Freeman, N Grayson, K Hawley, S Iveson, P Jopling,
R Manchester, J Robinson and O Temple

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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 11 April 2017** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, M Davinson and S Iveson

Also Present:

Councillor David Boyes, Councillor Rob Crute, Councillor Grenville Holland, Councillor Lynn Pounder and Councillor Angela Surtees

1 Apologies for Absence

Apologies for absence were received from Councillors P Conway, C Kay, J Lethbridge, B Moir and K Shaw.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The minutes of the meeting held on 14 March 2017 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest submitted.

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

a DM/16/03450/OUT - Land to the West of Blackhall Colliery and South of Hesleden Road, Blackhall Colliery

The Senior Planning Officer, Chris Baxter, 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 and outline application for the erection of up to 97 dwellings, construction of new vehicular access, open space (including dog walking area) and associated infrastructure and was recommended for approval subject to conditions.

The Senior Planning Officer noted the reduction in dwellings, now for up to 96 dwellings, the report having stated up to 97, and that the access would also be considered as part of the application. Members noted plan showing a roundabout that was proposed for the B1281 and that access for the site would be gained from this roundabout. It was explained that there were no objections from statutory consultees and that there had been letters of objection and support received from members of the public, with their main points set out within the report.

In terms of the principle of the development, the Senior Planning Officer noted that the site had good pedestrian links to Blackhall and the associated existing infrastructure and therefore the site was considered sustainable. It was added that the Authority was not able to demonstrate a 5 year supply of deliverable housing land and therefore paragraph 14 of the National Planning Policy Framework (NPPF) was engaged, such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or if any specific policies within the NPPF indicate development should be restricted.

Members were informed that the Highways Section had initially raised concerns in terms of vehicle speed along the B1281 and inadequate pedestrian crossing points, however, through negotiation with the applicant and Officers, an amended scheme to include a roundabout to allow access to the site and pedestrian crossing points was found to be acceptable. The Senior Planning Officer added that a Section 106 Legal Agreement would secure 10% affordable housing and a contribution towards play and recreational facilities, and it did not relate to protected species or the heritage coast. The Senior Planning Officer concluded by noting that the application was considered acceptable and was therefore recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out within the report.

The Chairman thanked the Senior Planning Officer and noted there were several speakers registered. He asked Mr N Barton whether he was speaking in support or objection to the application, Mr N Barton noted on balance he would be speaking in objection.

The Chairman asked Councillor R Crute, a Local Councillor for the Blackhalls Division, to speak in relation to the application.

Councillor R Crute thanked the Chairman for the opportunity to speak and noted the application was for up to 96 homes. He added that in speaking the purpose was to note the support of Local Members for the application, himself and Councillor L Pounder, believing it would benefit the village both socially and economical and also to help address any concerns residents may have as regards the application.

Councillor R Crute noted that the application was considered to be sustainable in respect of the NPPF and that all statutory and internal consultees were in favour of the application. He added that main issues raised by residents had been adequately addressed and the public were generally positive about the scheme. He noted people understood the social and economic benefits and that speaking to many residents individually, they were keen for development to take place. Councillor R Crute added that the Committee could read the support of Local Members to be the support of local people.

Councillor R Crute noted issues raised in terms of flooding, rights of way, and bungalows were set out and addressed within the report, and that 2 letters of objection in terms of access, the pedestrian access and footpath and capacity of local schools had been received. He added that these issues too were addressed within the Officer's report either explained or via condition and therefore Local Members were in support of the application.

Councillor R Crute explained that there were clear economic and social benefits with the investment in the area was welcomed, and the development was sustainable in terms of the local businesses and schools. He added there was considerable local support as this development would enable a greater choice of housing within the village, meeting a need for family homes and rebalancing housing in Blackhall.

Councillor R Crute noted the objections in terms of highways, however, these had been addressed in terms of the proposed roundabout, Condition 4 and pedestrian crossings over the B1281 road. Councillor R Crute concluded by noting he suggested looking at the speed limit on this road may also be beneficial.

The Chairman thanked Councillor R Crute and asked Mr N Barton to speak in objection to the application.

Mr N Barton noted he had several points to make, firstly in connection to the roads in the area, namely the B1281 and the Coast Road. He explained that the junction between these two roads, could often have tailbacks and that there had been fatalities on these roads in the past. He added he would support derestriction up to the new roundabout, but not beyond it. Mr N Barton added that the access was fine in principle, however, further east of the development there was not access from the development to the coast road.

Mr N Barton noted that the B1281 was already a busy road and that he suggested that additional screening via more planting could help shield the site. In terms of drainage, Mr N Barton noted the drainage and flood assessments and the inclusion of a Sustainable Drainage System (SuDS) pond on the site. He added that given that the development would mean an increase in surface water that could not drain away naturally, there should be care to ensure that the capacity of the SuDS was sufficient.

Mr N Barton noted that the proposed density of housing was far greater than that of the development opposite and while parking was not a problem, there would be issues in terms of access for deliveries, utilities and emergency vehicles.

Mr N Barton concluded by noting the pedestrian right of way at the site was a rough road, and that it should perhaps be adopted and suitably topped.

The Chairman thanked Mr N Barton and asked the Agent for the application, Mr S Hesmondhalgh to speak in relation to the application.

Mr S Hesmondhalgh explained that he was a Planning Consultant and had undertaken many public consultations in relation to planning applications and noted there was local support for the development. He added that as stated by the Officer, the Council could not demonstrate a 5 year supply of housing and the development would help meet this need, building where people needed and wanted housing.

Mr S Hesmondhalgh noted that it was felt that the development was positive and would help improve the quality of life for those in the village and evidence from the Local County Councillors and Parish Councillors showed good community spirit and positive support for the scheme.

Mr S Hesmondhalgh noted that issues had been raised in terms of drainage, highways and housing mix. In terms of drainage, Mr S Hesmondhalgh noted that the SuDS was set aside and would store and drain water away. In terms of access, he noted that he was happy in respect of any changes to speed limits as appropriate, and the roundabout dealt with the issues that had been raised. Mr S Hesmondhalgh noted that the housing mix was based upon a clear lack of housing for families with children and there were semi-detached, detached, bungalows and terraced properties within the scheme.

In respect of footpaths, Mr S Hesmondhalgh explained that the formal links alongside would be retained and the informal link would be replaced connecting the site.

Mr S Hesmondhalgh concluded by noting: there was a housing need; the development was sustainable; it gave jobs and investment; gave a broader choice for local people; and was a good scheme on the right site and asked that Members approve the application.

The Chairman thanked Mr S Hesmondhalgh and asked the Senior Planning Officer to respond to the points raised.

The Senior Planning Officer noted that in respect of the points raised in terms of highways, the report set out the views of the Highways Section, though the Highways Development Manager was in attendance and may wish to speak on this.

In respect of further landscaping and screening, the Senior Planning Officer noted application was an outline application and the details would come through at the Reserved Matters stage, a landscaping plan to be included. It was added that in terms of drainage, the SuDS area proposed had no objections from the Council's Drainage Team, Northumbrian Water Limited or the Environment Agency.

The Senior Planning Officer explained that in terms of density, working from the original 97 properties this gave a density of approximately 24 properties per hectare which was reasonably low, with planners usually looking for around 30 properties per hectare and with many new developments being greater than 30 properties per hectare. Members noted that the informal footpath was not a right of way, however it was intended that this would be upgraded in terms of its surface and Condition 13 set out the need for an agreed detailed scheme of improvements to footways, links and rights of way to be in place prior to development taking place.

The Highways Development Manager, John McGargill noted that originally the scheme had included a priority T-Junction and following concerns raised by Highways it was agreed that a roundabout was a better solution. It was added that the roundabout would slow traffic speeds and that any other changes in terms of speed limits would be consulted upon, including with Durham Constabulary.

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

Councillor M Davinson noted he “liked the look” of the proposed roundabout, and he felt the development would be of benefit to the local community with the report setting out that the site was sustainable and with enough school places to accommodate the development. Accordingly, he proposed that the application be approved.

Councillor J Clark noted she was very familiar with the area and added she was sure that Highways Officers will be looking at the impact on the coast road over time and agreed that the works to footpaths would help to encourage people to walk rather than drive. She added that improved crossings would be also of benefit as vehicle speeds along this road were often excessive and a reduction in the speed limit would also be welcomed. Councillor J Clark understood the need for housing in the area and seconded that the application be approved.

Councillor A Bell noted it appeared to be a brilliant scheme, with the support of the Local Members. He added that at the full application stage, he felt that a formal play area within the development would be beneficial as it appeared quite a large area without such facility, engaging with the Local Members at that stage.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor J Clark.

RESOLVED

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

b DM/17/00700/FPA - Holmside, Fieldhouse Lane, Durham

The Senior 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 application was for change of use from C3 dwelling to C4 House in Multiple Occupation (HMO) for a temporary period of up to 3 years to enable occupation in compatible environment for the duration of studies and was recommended for approval, subject to conditions.

The Senior Planning Officer noted there had been no objections from statutory or internal consultees, and that Spatial Planning Policy had provided information in terms of student density in the area, being 11.6%, greater than the 10% set out within the Interim Policy on Student Accommodation. It was added that there had been 2 letters in objection to the application, with the main issues set out within the Committee report.

Members noted that while the student density was already greater than 10%, special circumstances were cited in terms of the applicant's daughter and her needs, specifically relating to a medical condition known as electro-sensitivity (ES), the applicants having not been able to find a suitable property for their daughter in the area. The Senior Planning Officer reminded Members that the permission for C4 use would be temporary, for 3 or 4 years, while the applicants' daughter completes her studies after which the property would revert back to C3 use. It was noted that the medical reasons as stated by the applicant were a material planning consideration. It was noted that there had been no objection from Environmental Health or the Highways Section and therefore, subject to conditions, Officers recommended that the application for change of use for a temporary period be approved.

The Chairman asked Councillor G Holland, a Local Councillor for the Neville's Cross Division, to speak in relation to the application.

Councillor G Holland explained that he had called for the application to be considered by Committee because he felt any determination should rest with Members.

Councillor G Holland noted that the conversion of family houses, class C3, to HMOs, class C4, had seriously diminished the housing stock in Durham City and radically changed its social setting. He added that to reduce this rapid loss of family housing in the City last September the Council issued an Article 4 Direction which withdrew permitted development rights for such a change of use. He noted that furthermore, to provide a cap on the number of HMOs in any part of the City a limit of 10% was set for a 100 metre radius around any property.

Councillor G Holland noted that for much of the city centre this was too late for almost all of the affordable family homes had already gone, with the heart of our city being no longer residential. He added that around the perimeter of the city family homes could still be protected for the future welfare of residents who wished to live and to work here. It was noted that residents strongly approve of the Article 4 Directive and the imposed 10% cap and therefore to breach it must demand very special circumstances. Councillor G Holland noted that therefore the question was are the circumstances in this application special?

Councillor G Holland noted that it was claimed that the applicant, a student reading history at Durham University, suffers from Electromagnetic Hypersensitivity or ES and required accommodation that was free from electromagnetic fields, with this problem not being well understood at present.

Councillor G Holland explained that the pastoral care of students at Durham University was outstanding and in order to help this particular student, who is a talented academic, the university organised special accommodation for her in the Castle when she was admitted last October. Members noted that, through no fault of her own, the arrangement did not work out as well as had been hoped and she was looking for accommodation in the city for her second and third years, possibly a fourth year if she takes a Masters' degree. Councillor G Holland noted that her parents, at great personal sacrifice, had bought this C3 property in North End and were adapting it to be impervious, as far as is possible, to electromagnetic radiation. Councillor G Holland noted she hoped to live in this house with sympathetic and supportive college friends and also the university was, at examination time, arranging to minimise the electromagnetic radiation in her examination room.

Councillor G Holland reiterated that the application, therefore, was to change a C3 family home to a C4 HMO for the duration of this student's time at Durham which would be 3 more years at a maximum. He noted that a key question was whether a building classified as C4 could automatically revert to C3 if the new purchaser decided that he or she wished to retain the C4 category for obvious benefit in this part of the city. Councillor G Holland noted to that end he recommend that Condition 2 should be strengthened to read:

"This consent is granted for a temporary period and the use hereby approved shall be discontinued and the building shall revert back to a C3 dwelling house use by 31st July 2019 or 31st July 2020, whichever is the earlier, or at such time that this building ceases to be used for its presently intended purpose".

Councillor G Holland noted that the Officer was recommending approval for this change but, after a past experience, this should not go through on delegated powers. He added that the determination of this application must therefore rest with the Committee because it involves the breach of an Article 4 Direction that is important to, and valued by, the residents of the City.

Councillor G Holland concluded by noting that his own guidance was that Committee should err on the side of compassion and agree with the Officer's recommendation.

The Chairman asked the Solicitor - Planning and Development, Neil Carter to respond the points raised by the Local Member.

The Solicitor - Planning and Development noted that Condition 2 as set out within the report had a fairly standard wording and noted the Member's query was should the property cease to be occupied by the intended person it should revert to C3 use. It was added that the property would not only be for the applicants' daughter, there would be a number of other students and therefore it would be reasonable

that should the applicants' daughter leave the property, those other students may wish to continue at the property. Accordingly, the Solicitor - Planning and Development recommended to stick to the wording of the condition as set out within the report.

The Chairman thanked the Solicitor - Planning and Development and asked Members of the Committee for their questions and comments on the application

Councillor A Bell noted that he fully supported the application and thanked the Solicitor - Planning and Development for clarification in terms of the condition.

Councillor A Bell moved that the application be approved; he was seconded by Councillor M Davinson.

RESOLVED

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

c DM/16/01970/FPA - Land to the west of Fennel Grove, Easington Village

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 Planning Team Leader (Central and East), advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for 74 no. dwellings and was recommended for approval, subject to conditions.

The Planning Team Leader (Central and East), noted that the application had been reduced to 74 dwellings, to include some design improvements. In terms of an update since the agenda papers were prepared, Easington Village Parish Council had objected with their main points including: lack of infrastructure; additional traffic and congestion; a lack of school places; loss of hedgerows and negative impact upon the landscape; and a petition from residents against the application.

Members noted a correction to the report in terms of paragraph 87 should refer to the site being greenfield and outside of the settlement boundary, and paragraph 75 to read "...10% affordable housing on site in the form of 7 units, 5 of which would be social rented and 2 would be discounted sale".

The Planning Team Leader (Central and East), noted the area was bound on 3 sides by existing housing though was currently in agricultural use. Members noted the proposed access through an existing turning head, which had been retained by the developer. It was explained that there was quite a change in level across the site, and that the trees and hedgerows to the north of the site would be retained and protected.

In terms of site layout, the Planning Team Leader (Central and East) noted a relatively standard proposal, with some open spaces and a SuDS, with an 85cm depth, though the design was such for the area to be dry most of the time, serving the dual purpose of drainage and amenity. It was added that the trees along the north edge would be outside of the gardens of the proposed properties and there would be a management team to look after them long term.

It was noted that there had been no objections from statutory or internal consultees, and 60 letters of objection had been received from 27 addresses, with some being duplicates as the matter had been the subject to re-consultation. It was added that the Local Parish Council, County Councillors and MP had raised their concerns as regards the application, with issues including: increased traffic at the junction of Fennel Way and Sunderland Road; an increase in traffic on Sunderland Road, which was used as a diversion route should the nearby A19 be closed for an accident; a loss of visual amenity; an increase in noise; and a lack of infrastructure within the village. The Committee noted that 14 letters of support had been received, citing reasons including local regeneration and benefits to the economy in terms of local shops and businesses.

The Planning Team Leader (Central and East) noted that the site was considered sustainable, that development would not have an adverse impact, and that the development was acceptable in highways and planning policy terms. It was noted there would be provision of offsite play equipment and also a contribution in terms of coastal ecology. Members were reminded that paragraph 14 of the NPPF was engaged and as no significant adverse impact was demonstrated, the application was recommended for approval subject to a Section 106 Legal Agreement and the conditions as set out within the report.

The Chairman asked Councillor D Boyes, a Local Councillor for the Easington Division, to speak in relation to the application.

Councillor D Boyes thanked the Chairman and Committee for the opportunity to speak as regards the application. He noted that one of the issues was that of fairness for the people of Easington, with there already being a number of housing developments approved in the nearby area, with 900 houses at Little Thorpe, 90 at the former Council Offices site, 100 at the old "Big Club" site and a further 74 proposed for this site.

Councillor D Boyes noted all town and villages had to play their part, however it was no longer fair for Easington, it being one development too far.

Councillor D Boyes explained that Easington Village was an ancient settlement, established back in the 11th Century, possibly as far back as the 8th Century, and was mentioned within the Domesday Book. He added that the village was small, with approximately 2,000 residents, and was chronically ill-equipped in terms of infrastructure such as parking provision and roads, and the addition of around 1,400 houses would result in gridlock.

Councillor D Boyes noted he could not understand in terms of there being sufficient school places available and added that he felt the number of developments in the area, with a cumulative impact of around 1,400 properties on the village, was such

that he felt the application should be refused. He added that the complexion of the 11th Century village would be changed and that he felt that application did not accord with saved policies within the District of Easington Local Plan, namely: Policy 1, in respect of sustainability and benefit for the local area and people; Policy 3, being outside of the settlement boundary; and Policy 36, in terms of design, layout and good access. Councillor D Boyes added that he also felt the application was contrary to paragraph 14 of the NPPF, as the significant adverse impacts would outweigh the benefits of development.

The Chairman asked Councillor A Surtees, the other Local Councillor for the Easington Division, to speak in relation to the application.

Councillor A Surtees thanked the Chairman and Committee for the opportunity to speak in objection to the application. Councillor A Surtees noted that should the application be approved there would be an increase in traffic, with an associated risk in terms of public safety, including for residents. She added that she was not convinced in terms of parking provision, or in terms of the access that would be taken via Fennel Grove. Councillor A Surtees noted the former Council Offices site had already proved detrimental in terms of parking in the village, and added that there had been issues in terms of highway safety along the B1432, Sunderland Road, with the road being used as an alternative route should there be a closure on the A19. She added that the B1432 was very busy and that there was no crossing controls and that the footpath was not wide enough for a pushchairs, and vehicles were parked alongside with accidents having been recorded along the road.

Councillor A Surtees noted that the proposed development, in the context of the older, approved and pending sites did not pass a cumulative test in terms of negative impact and she added that she was not convinced that the development was sustainable. Councillor A Surtees added that there was significant local objection to the application and reminded Members that the NPPF stated that the local community voice should be heard. Councillor A Surtees concluded by noting that the objections raised had been heard and therefore she asked for Members to refuse the application.

The Chairman asked Councillors J Lee and L Morton from Easington Village Parish Council to speak in relation to the application.

Councillor J Lee thanked the Chairman and noted that the Parish Council had strongly opposed the application from the beginning, adding that it was felt that the infrastructure in place at the moment could not cope with the volume of traffic at present, notwithstanding the cumulative impact of an additional 1,200 -1,300 houses in the area. Councillor J Lee noted that the proposed access would be through an existing housing estate and that it was on a blind bend on an already busy road, as mentioned a diversion route for the A19. She added that the proposed development would result in a loss of amenity, and with disruption during development in terms of dust, air and noise pollution. Councillor J Lee reiterated previous comments that it was not solely as regards the 74 dwellings as proposed, rather it was the whole number of houses being built within the Parish and therefore she concluded that the development was not sustainable.

Councillor L Morton noted that the volume of houses being proposed and approved in the area would have an impact and, having spoken to them, schools did not have provision for extra pupils. He added that at Parish Meetings issues in relation to traffic, parking and “why build on the land at all” had been raised. Councillor L Morton added that after speaking to people within the Parish he noted that the local schools were full, and there were 60 objections from local people. He asked if it was known where the 14 letters in support were from, and whether they were local. He added that in the area there was only a newsagent, a dress shop, three hairdressers and a pub, not a lot. Councillor L Morton noted a need to boost the supply of housing, however, he felt Easington seemed to have the largest share. He reiterated previous concerns as regards the level of traffic and how this would affect safety at junctions, and asked that if the application was approved could a roundabout be installed, similar to the scheme at Blackhall considered previously on the agenda. Councillor L Morton concluded by noting that he urged the Committee to withhold consent.

The Chairman thanked Councillors J Lee and L Morton and asked Mrs T Major, Mr S Main and Mr L Barrass to speak in relation to the application.

Mrs T Major noted she lived in Fennel Grove and explained that there was a 200 signature petition in objection to the application. She added that were concerns as regards traffic and access, which had been covered by previous speakers, and noted comments that individuals had made on the petition had included: the issue of a blind bend on the road; speeding traffic, with the 30mph limit being ignored; “if there had not been an accident on the road then help keep it that way”; and noting that the road was an alternative route for A19 traffic. She concluded by noting that people use cars, parking would be an issue, and the footpaths were very narrow, not safe for a pram or pushchair.

Mr S Main explained he was a resident of Fennel Grove and had concerns as regards the volume of housing proposed, 74 properties, adding that they should not be considered in isolation with over 1,000 properties approved for the area in recent months. He added he was not objecting in the sense of “living in the past”, rather there were heartfelt concerns in respect of traffic, highway safety, lack of infrastructure and impact upon the environment.

Mr S Main added that a lot of people felt that the Ward had contributed in terms of the development needs of the Council and the addition of 74 properties on top of the 1,000 was too much and therefore respectfully asked that the Committee take into account the overdevelopment of the Ward in general and refuse the application.

Mr L Barrass noted he was also a resident of Fennel Grove and had been born and bred in Easington. He noted he was fighting against the overspread of Easington Village outside of the settlement, with the village being an ancient and rural settlement. He noted that it seemed “every blade of grass” at Easington Village was up for sale, in comparison with fewer developments in other areas of the County. Mr L Barrass added that Fennel Grove was very small, with 38 cars and 18 houses, with space being at a premium and that anyone could see that this

would be an issue. He added that in terms of development bringing employment, this would not be a long term gain and the village was becoming a “commuter village”. Mr L Barrass noted he was not against change, however with recent announcements of the closure of Walkers and threats to other jobs then this could have an impact on the area in terms of deprivation in the villages and lack of employment. Mr Barrass also asked that the Committee refuse the application.

The Chairman asked if Officers would respond to the points raised by the speakers.

The Planning Team Leader (Central and East) noted information as regards settlement limits were set out within the report and that it was also explained within the report that the Council could not demonstrate a 5 year supply of building land. It was added that the District of Easington Local Plan was from 2001 and, as the housing supply figures were based on historic supply figures, therefore in the context of paragraph 14 of the NPPF, policy 3 of the saved District of Easington Local Plan should be given significantly reduced weight that effectively it does not apply. It was explained that cumulative impact of developments had been taken into account, and Officers had checked in terms of school places and within a 2 mile radius there was capacity. As regards the 14 letters of support, it was noted that these had been received from 14 separate addresses.

The Highways Development Manager noted that in terms of an additional 74 properties, this would equate to an additional 29 trips at peak times and 10 trips at other times into the local network. For context, it was explained that Sunderland Road would have around 4,000 trips per day, Seaside Lane around 9,000 trips per day, and with the A19 having around 65,000 trips per day. Accordingly, the Highways Development Manager noted that in highways terms the additional traffic was not a concern. It was added that there had been no accidents recorded at the Fennel Grove junction since 1998 and therefore a safe stopping distance had been demonstrated. The Highways Development Manager noted that in terms of parking, the proposed development was considered under current policies, and the provision for Fennel Grove was considered under previous policies. It was added that parking for residents and visitors was looked at in terms of being suitable and the proposed development was considered to be acceptable. The Highways Development Manager noted that Sunderland Road was a part of a diversion route for the A19 in cases of accidents or incidents, however, while this could result in congestion it was not necessarily dangerous or unsafe.

The Chairman thanked the Officers and asked Mr P Hunt, representing the applicants to speak in relation to the application.

Mr P Hunt noted that the proposed development was for modern, well designed new dwellings and with the proximity to Easington Village and Easington Colliery the proposed development was sustainable for families. It was added that that the 2014 County Durham Plan supporting documents, housing assessments and the 2016 Strategic Housing Land Availability Assessment (SHLAA) had shown the area to be suitable for development. It was noted that the scheme included 10% affordable housing and comprised a simple layout within the constraints of the site length. Mr P Hunt added there was an area of public open space in terms of the SuDS, as well as a soft buffer with planting along the north boundary. It was added that the application had been accompanied by a full suite of supporting reports and

documents including on transport and flood risk, meeting all statutory guidance and tests. It was noted that consultants had shown no concerns as regards the site access and that the proposals were considered fit for purpose. Mr P Hunt noted that School Places had noted that development was sustainable in terms of places and, as mentioned by the Officer, the Council could not demonstrate a 5 year supply of building land, and accordingly paragraph 49 of the NPPF would come into effect. Mr P Hunt therefore asked, as the proposal represented a sustainable development that the Committee approve the application.

The Chairman thanked Mr P Hunt and asked Mr P Wood to speak in support of the application.

Mr P Wood noted a 50% reduction in local business in the last 20 years and added that many people had moved away from the village and not come back. Mr P Wood added that 74 additional properties would mean more people to come and spend in local shops and to bring a new confidence in the village. He added that the former Council Offices site and former Welfare Site were full and an air of affluence would help bring more confidence. Mr P Wood explained that the planning report set out how the application met all the NPPF requirements and the proposals in terms of highways were considered adequate. Mr P Wood concluded by explaining the benefits in terms of: gross value added; new homes bonus; Council Tax receipts; and jobs, with the potential for Easington to bloom and be great again.

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

Councillor A Bell noted he had listened to the speakers, including the Local Members, who were in objection and it appeared as if the whole community were against the application. He asked for clarification in terms of NPPF and the ability to refuse the application in terms of paragraph 14.

The Solicitor, N Carter noted for clarification that paragraph 14 of the NPPF stated in terms of decision making:

“- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- 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 development should be restricted”

The Solicitor - Planning and Development noted that Officers had indicated that this paragraph of the NPPF was engaged, because the Council does not having a 5 year supply of housing land and also the out of date evidence base for the

settlement boundary polices, as contained within the report. The Solicitor - Planning and Development noted that therefore the Committee were starting from the position of a presumption in favour of granting development, unless there was harm which would significantly and demonstrably outweigh the benefits of granting the application.

Councillor J Clark noted she was very familiar with the site and asked if any suggestions as regards footpath improvements as the footpaths along Sunderland Road were deplorable, or strengthening the application in terms of the addition of a roundabout. Councillor J Clark also if any other route into the site had been looked at, not accessing through Fennel Grove. Councillor J Clark noted 5 units were for social renting and asked if these would be managed.

The Solicitor - Planning and Development noted that the usual position was for Section 106 to stipulate transfer of such properties to a Registered Provider.

The Planning Team Leader (Central and East) added that footpath issue was noted and that there was allocation for footpath improvements at the former Easington Colliery site in terms of ecological mitigation to protect an EU designated site. It was added that accordingly, for any footpath improvements at Sunderland Road there would need to be an allocation over and above that set out within the report.

The Highways Development Manager noted the footpath on the west side of Sunderland road was narrow and with vehicles parked it would be difficult for wheelchair users or those with pushchairs. He added that the footway on the other side of the road was a standard 1.8m path and therefore access was provided.

Councillor M Davinson noted that while the footpath opposite was nice and wide, he asked whether there a safe way of crossing over to that side of the road. He added that during the site visit he had noted the proposed position for the SuDS pond and the steep nature of the site and he felt it was not an ideal site for housing.

Councillor M Davinson noted however that there appeared to be very little in terms of reasons to be able to refuse the application, however, he did note the amount of sites being developed in the area and also felt that therefore there could be a struggle to sell houses at the site.

The Chairman asked the Highways Development Manager in terms of a safe crossing. The Highways Development Manager noted that Fennel Grove itself had a dropped kerb and there were a number of others, however there was not a dropped kerb on the opposite side of the road.

Councillor M Davinson asked if minded to approve the application whether it could be conditioned to include an appropriate footpath link over the road.

The Planning Team Leader (Central and East) noted that if the Highways Development Manager agreed then there could be an additional condition as regards this.

The Chairman noted that the proposal would therefore be as set out within the report and also with a suitable condition in terms of footpaths linking across Sunderland Road.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor S Iveson.

Upon on a vote being taken the result was tied. It was noted as the vote was tied the Chairman would have the casting vote. The Chairman explained that he had looked at policy and listened very intently and carefully to the points raised by the speakers and the comments from the relevant Officers in terms of the application being sustainable and the highways considerations. Accordingly, the Chairman supported approval of the application.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and an additional condition as follows:

"No development shall commence until a scheme to provide a dropped kerb on Sunderland Road has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the occupation of any dwellings and retained in perpetuity thereafter.

Reason: In this interests of highway safety and in accordance with saved policy 36 of the District of Easington Local Plan and part 4 of the NPPF."

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/17/00124/FPA

FULL APPLICATION DESCRIPTION: Single storey rear infill extension, insertion of 2no. rooflights to rear, increase of main roof height by 80mm and dormer window to front (Re-submission and Retrospective)

NAME OF APPLICANT: Mr & Mrs Ian and Nicola Timlin

ADDRESS: 2 Crossgate Peth
Durham
DH1 4PZ

ELECTORAL DIVISION: Neville's Cross

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

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site relates to an unlisted property located within the west part of the Durham (City Centre) Conservation Area on the eastern end of Crossgate Peth. Crossgate Peth is an elevated street which rises steeply to the west from the busy road junction at Crossgate, Alexandria Crescent and Margery Lane. The street is characterised by a mixture of terraced town houses, detached houses and large villas (Edwardian and Victorian) that are drawn together by their linear form facing the main street. Part of the character is formed by the back and side lanes, linking the various streets with the brick walls enclosing the lanes, rear yards and front gardens, important components to the townscape.
2. The property dates back to the late 19th century and even though the property is not listed and has been altered previously, it maintains its original constructional form and architectural character/rhythm making the property a non-designated heritage asset which makes a positive contribution to the diverse historic streetscape of this part of the conservation area.

PROPOSAL:

3. This application seeks retrospective consent for the erection of a single storey infill extension to the rear, the insertion of 2no. rooflights and for the erection of a dormer window to the front. A previous consent was granted for a single storey infill extension to the rear and a dormer window to the front, however the proposal was not constructed in accordance with the approved plans with regards to the positioning of the dormer window and the materials of the single storey extension to the rear. However, the original planning permission is still extant and could be implemented.

4. The original scheme approved a single storey infill extension with a lean to roof which was to be constructed out of grey powder coated aluminium, and the dormer window to the front was proposed to have a width of 1.7m, height to the eaves of 1.2m and a height to the ridge of 2m
5. The application is brought before the planning committee at the request of Councillor Holland due to concerns raised in relation to the nature of the application and the associated breach of planning control.

PLANNING HISTORY

6. DM/16/00433/FPA - Single storey rear infill extension and dormer window - Approved

PLANNING POLICY

NATIONAL POLICY:

National Planning Policy Framework

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
9. The following elements are considered relevant to this proposal:
10. Part 7 (*Requiring Good Design*) The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. Part 12 (*Conserving and Enhancing the Historic Environment*) Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

LOCAL PLAN POLICY:

City of Durham Local Plan 2004

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

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

EMERGING POLICY:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. Cllr Holland – Requested that the application be reported to committee.

INTERNAL CONSULTEE RESPONSES:

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

23. Design and Conservation – objections raised in respect to the rear extension, in particular the materials, no objections to the rest of the scheme.

24. Environmental Health – no objections given the retrospective application is for the extensions rather than the increase in bedroom space as this has already been approved.

PUBLIC RESPONSES:

25. The application was advertised by means of press and site notice as the property is within the Durham (City Centre) Conservation Area and by neighbour notification to 8 properties.

26. At the time of preparing this report, one letter of objection had been received from the neighbouring property number 1 Crossgate Peth. The letter of objection raised concerns in respect of the following:

- Development out of character with the Conservation Area
- Adverse impact on residential and visual amenity
- Development not in accordance with previously approved application
- No planning conditions were discharged prior to the development commencing
- No design and access statement has been submitted as part of the application
- The front dormer window is not positioned correctly within the roof plane and is of an inappropriate design which is out of character with the street
- Main roof raised by 150mm which is not shown on the plans destroying the flushed eaves
- The ridge tiles are not traditional
- Various details missing from the drawing
- Development not in compliance with planning legislation and building regulations
- Previously approved plans stated that no work would encroach onto the party wall but what has been constructed does
- The rear extension creates artificial light which is causing a statutory nuisance
- Would like to see the retrospective development removed and what was originally approved built instead.
- The amended plans are not clear and are contradictory

APPLICANTS STATEMENT:

27. The changes to the dormer window are considered acceptable by your planning officers. There remain concerns on their part in relation to the rear link extension. I was advised this was because UPVC is unacceptable for 3 reasons:
- Shiny white colour
 - Width of glazing bars
 - The presence of the Article 4 direction
28. We have now coloured the UPVC grey, which is consistent with powder coated aluminium as approved. The width of the glazing bars was never conditioned, and the scale of the drawings approved would not allow such a measurement to be made. As it happens, having blown the approved drawings up to 1:20 the glazing bars are around the same width as those built, as can be seen on drawings submitted to the case officer.
29. The Article 4 direction (which incidentally has been lost and therefore cannot be provided to me) is there to restrict permitted development rights to afford control over the use of UPVC, not as a policy document to refuse planning permission in every case. The intention is to give control over sensitive locations. This is a back lane location with a plethora of extensions and alterations, and a great deal of UPVC, including on the remainder of the application property and the original back door the extension replaced. UPVC was permitted on a front elevation at 16 Nevilledale Terrace across the road from my property (reference 16/02695), simply because there was UPVC on the remainder of the property.
30. As can be seen from the rear of the property, the link is barely appreciable from the back street and The Avenue.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

33. The application site is a terraced property located within an elevated street which rises steeply to the west from the busy road junction at Crossgate, Alexandria Crescent and Margery Lane. The site is located at the eastern end of the street. Planning permission has already been granted on the 13th April 2016 for the construction of a single storey infill extension to the rear, rooflights within the rear roof plane and a dormer window to the front. Therefore the principle of extending the property has already been established and is considered to be acceptable.
34. This application is a retrospective resubmission of the previously approved application which has been submitted to regularise the unauthorised development which has been carried out. The previously approved application was approved with conditions attached, which should have been discharged prior to the commencement of any works, however there was no discharge of condition application submitted to the Local Planning Authority.

35. The property is currently of C4 use and the addition of the dormer window to the front increases the property from a four bedroom to a five bedroomed student property. It is acknowledged that the property is located within the Article 4 Direction area relating to changes of use from residential properties to C4 HMOs. However, the creation of an additional bedroom within an existing C4 HMO property, thereby increasing the number of bedrooms from 4 to 5 is not considered to amount to development because it would still fall within the C4 use class. Accordingly, this element of the application is not being taken into consideration in the assessment of this application as it is not something over which the Planning Authority have any control.

Impact upon visual amenity and the Conservation Area

36. Policy E6 of the Local Plan requires that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced by encouraging development to reflect appropriate design quality and use sympathetic materials. Policy E22 indicates that proposals will not be permitted if they would detract from the character or appearance of the conservation area, and should be sensitive in terms of design and materials. Policy H13 states that planning permission will not be granted if development would have a significant adverse effect on the character or appearance of residential areas. Policy Q9 indicates that proposals to alter and extend residential property will be permitted provided that the design, scale and materials are sympathetic to the dwelling and the character and appearance of the area. These policies are also considered to be consistent with the aims of the more up to date National Planning Policy Framework, in particular Part 12 relating to conserving and enhancing the historic environment. This advises that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, in this case the Conservation Area. In addition, the application should be assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the proposal to either preserve or enhance the character and appearance of the Conservation Area. This statutory test is essentially reflected in saved policy E6.

37. The application site is a non-designated heritage asset located within an Article 4 Direction area. For clarification, there are two Article 4 Directions in place that are relevant to the property. An Article 4 Direction was made by the former City of Durham City Council in 2007 to restrict permitted development rights within the Crossgate area for the enlargement, improvement or alteration to the dwelling houses within the area. This means that works which would have constituted permitted development now need a planning application to be formally submitted to the local planning authority to enable development to be controlled. This is the Direction under which the current application is being considered. The other more recent Direction dates from 2016, and relates to changes of use from C3 dwellings to C4 HMOs. This later one is not relevant to the application as it is not for a change of use.

38. In respect of the rear infill extension, it is acknowledged that the extension has been constructed consistently with the approved drawings in terms of its siting and height. However, the materials used in the construction of the single storey extension are not in accordance with the approved plans and it has been constructed from triple-glazed white uPVC as opposed to the approved double glazed grey powder coated aluminium. The materials to be used within the construction of the previously approved development were attached to the decision notice as a condition requiring them to be formally agreed and discharged prior to the commencement of works at the site. The necessary discharge of condition application was never received.

39. Observations during the officer's site visit revealed that the single storey extension is not visible from the main frontages at Crossgate Peth, or the nearby Alexandria Crescent, or across the road at Nevilledale Terrace that directly overlooks the property. However, it is within a prominent location from the area around the access point leading from The Avenue into the back lane that links the street to Crossgate Peth, and from within the back lane itself.
40. From these public vantage points, it was clearly evident that traditional materials are prevalent and the introduction of the white uPVC single storey extension has resulted in a large inappropriate extension constructed out of modern material that stands out and is visually intrusive causing a detrimental impact upon both the host dwelling and the wider conservation area.
41. The very nature of the uPVC frames, sections and junctions etc. is that they are heavy and in places overlapping and initially gave the extension a typical shiny white finish leading to an incongruous appearance that lacked sympathy with its surroundings. The extension presents itself clearly as a modern addition but this could have been achieved far more sympathetically by the use of the approved aluminium.
42. Although still a modern material, aluminium has a much thinner, cleaner profile, with a far higher ratio of glass to frame. As such had the original application specified the use of uPVC this would not have been supported by officers, with aluminium recommended as a more sensitive substitute due to its slenderness and refinement in comparison to uPVC along with the grey colour finish, thus helping to limit the extension's visual impact within the traditional/historic context.
43. Given that the application site is located within the Durham (City Centre) Conservation area and subject to an Article 4 Direction, it is considered that the use of this modern material has had a detrimental impact and detracts from the character and appearance of the Conservation Area.
44. During the course of the application, the single storey infill extension to the rear has since been painted grey. It is acknowledged that the later addition of the grey colouring has toned down its noticeability and impact in the historic back lane environment, but the additional "as built" elevational drawing submitted clearly shows an inferior design quality compared to the "as approved" due to the increased thickness of the various sections of framework. It is also standard approach to resist the use of uPVC within conservation areas in a historical context and visible locations where this can be controlled, as it is considered to be an inferior material to both timber and aluminium in terms of appearance. Timber is clearly a more traditional material, while aluminium is preferable as a modern material for the reasons outlined in Paragraph 41 above.
45. It is acknowledged that uPVC exists elsewhere within the locale but these elements are not comparable to the extension given the differences in the extent of uPVC used. Existing uPVC in the area relates primarily to replacement windows which are less conspicuous and have usually been undertaken under householder permitted development rights prior to the serving of the Article 4 Direction, so ultimately could not be controlled. The existing presence of uPVC also does not diminish the fact that there is still a strong desire to oppose modern materials in this part of the conservation area where possible to maintain the integrity of the historic properties and the general appearance of the area; as such the proposal conflicts with the ethos of the Article 4 Direction. Furthermore the avoidance of inappropriate materials within this part of the conservation area is highlighted in the Management Proposals of the Council's adopted Conservation Area Character Appraisal with a clear objective to discourage the use of uPVC where possible to safeguard the character and appearance of the place.

46. Due to the materials used in the construction of the single storey rear extension and its prominent position within the access point leading from The Avenue, it is considered that the proposed development has had a detrimental impact on the host dwelling itself and does not preserve or enhance the character or appearance of the conservation area. On this basis, the development is not in compliance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 12 of the NPPF or saved policies H13, E6, Q9 and E22 of the City of Durham Local Plan.
47. The objection letter received mentions the roof of the host dwelling being raised which was not shown of the plans. Amendments have subsequently been received to include reference to the increase, however the objector disagrees with the amount stated, and believes it to be 150mm and not 80mm. Notwithstanding this difference, however, the increase in the ridge and eaves levels is not considered by officers to adversely affect the heritage merits of the individual property or the significance of the surrounding conservation area.
48. In respect of the dormer window extension to the front and the impact upon the current levels of visual amenity, it is considered that due to its location and its general design including a pitched roof, being of a scale that does not dominate the roof, and being positioned above the eaves, the dormer window is acceptable as constructed.

Impact upon residential amenity

49. The single storey infill extension to the rear has been built consistently with the approved plans in terms of height and its siting between the existing single storey mono pitched roofed extensions to the rear of the property. On this basis, it is not considered to have a detrimental impact upon the residential amenity of the area as it would not cause any overshadowing or create any overlooking issues with the neighbouring properties.
50. The objection letter received states that the artificial light created from the infill extension is causing a statutory nuisance under Section 102 of the Clean Neighbourhoods and Environment Act 2005 and under Sections 79 and 80 of the Environment Protection Act 1990 because it excessively illuminates the private open yard area of no. 1 Crossgate Peth and is unreasonably intrusive to other neighbouring properties. The environmental health section were consulted as part of the application process and are satisfied that the development is unlikely to cause a statutory nuisance. It is further considered that this would not adversely affect the residential amenities of neighbouring properties sufficient to justify refusal on such grounds. In any event, there is an extant planning permission for a structure of the same dimensions.
51. In relation to the construction of the dormer window to the front of the property, it is acknowledged that its positioning within the plane of the roof, tying into the ridgeline of the existing dwelling, does not fully comply with Policy Q10 of the City of Durham Local Plan. However, the dormer window does incorporate a pitched roof, and is considered to be in proportion with the existing building as a whole and in particular the roof. Due to the other dormers within the street differing slightly in appearance, the precedent has already been established for this type of development, and it would not be considered reasonable to refuse planning permission on this ground alone.
52. It is acknowledged that the dormer window has not been constructed in accordance with the approved plans and does not fully comply with policy. However, given that there is no uniformity within the existing dormer windows along Crossgate and when viewed from the road below, it is hard to establish that its ridgeline ties in with the existing, and it is therefore not considered to have an adverse impact upon residential amenity.

Highways

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

CONCLUSION

54. In conclusion, although the development has not been carried out in complete accordance with the approved plans, some elements are considered appropriate as built. Specifically, the dormer extension, rooflights and increase in ridge height are considered acceptable for retention. However, the rear infill extension, due to its location within a prominent position and its overall built form, specifically the use of UPVC materials, is considered to have a detrimental impact upon the host property and its Conservation Area setting. As a result, it is contrary to policies E6, E22, H13 and Q9 of the Local Plan, Part 12 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As the local planning authority is unable to make a split decision in this instance, the planning application should be refused.

RECOMMENDATION

That the application is **REFUSED** for the following reason:

1. The rear extension, by reason of its design, materials and appearance, detracts from the character and appearance of the host dwelling and the surrounding area, and fails to preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area, contrary to the requirements of Policies E6(c) and (d), E22(1), H13 and Q9(1) of the City of Durham Local Plan 2004, Part 12 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in balance of all considerations, the issues of concern could not result in a positive outcome being achieved. The applicant/agent was aware of the recommendation prior to the decision.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Heritage Statement
- Durham City Local Plan 2004
- National Planning Policy Framework
- Consultation Responses
- Letters of Representation



Planning Services

Single storey rear infill extension, insertion of 2no. rooflights to rear, increase of main roof height by 80mm and dormer window to front (Re-submission and Retrospective) at 2 Crossgate Peth, Durham, DH1 4PZ

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Comments

Date. 13 June 2017

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03941/FPA and DM/16/03942/LB
FULL APPLICATION DESCRIPTION:	Adaptation of existing building to provide 12 individual apartments with 3 dormer windows on the rear and internal and external alterations. (Amended plans)
NAME OF APPLICANT:	Mr Peter Bell
ADDRESS:	Durham County Club, 52 Old Elvet, Durham, DH1 3HN
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Susan Hyde Planning Officer 03000 263961

DESCRIPTION OF THE SITE AND PROPOSALS

1. This Committee Report is a joint report for planning application DM/16/03941/FPA and the associated listed building consent application DM/16/03942/LB.

The Site

2. The site relates to a complex Grade II listed building that occupies a prominent position within Durham (City Centre) Conservation Area, standing on the north side of Old Elvet at the corner junction with Territorial Lane. The street forms part of the City's medieval infrastructure, today comprising of a mixture of Georgian and Victorian properties that combine with landmark buildings such as Old Shire Hall to create one of Durham's finest streets in terms of historic interest and architectural merit.

The Proposal

3. Consent is sought for the conversion and physical adaptation of the existing former private County Club building to form 12 residential apartments at No. 52 Old Elvet. The building is currently largely vacant and the proposal is to introduce internal alterations to allow the building to be adapted to form 12 one and two bedroom apartments with the introduction of three new dormer windows on the rear elevation and roof lights on the front elevation.
4. The front elevation of the property is proposed to have railings reinstated. Parking and bin storage is provided to the rear of the site.
5. The application is being reported to Planning Committee as the development constitutes a major residential development comprising of more than 10 dwellings.

PLANNING HISTORY

6. 4/99/00314/AC – Two adverts obtained advertisement consent on the ground floor at 52 Old Elvet.

PLANNING POLICY

National Policy:

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

15. 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.
16. NPPF 12 Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

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

Local Plan Policy:

City of Durham Local Plan

17. Policy 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. Policy H9: (Multiple Occupation/Student Households)
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 Q8 - Layout and Design – Residential Properties sets out criteria for new build properties
31. 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.
32. 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.
33. Policy U14 – Energy Conservation

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. The Highway Authority – Raises no objection. The site is located in a city centre location where parking is not required. It is noted a car park and bin storage is provided to the rear of the property.
36. Environment Agency - Initially raised an objection to the proposal – with particular concerns about the basement living accommodation. To address these concerns, amended plans have deleted the basement living accommodation and an amended flood risk assessment has been submitted and the Environment Agency was reconsulted and has now withdrawn their objection.

Internal Consultee Responses:

37. Ecology – Raised no objection as the supplied Bat Building Survey required no further survey work to be undertaken.
38. Drainage – Initially raised concerns about the lack of flood risk assessment and required the Environment Agency to support the application. They accept that no building works are proposed and no additional drainage conditions are required, and have withdrawn previous concerns.
39. Environmental Health – Note that the area does have noise issues and therefore require a condition for a detailed acoustic report in accordance with BS 8233: 2014, and any subsequent noise mitigation methods introduced to conform to this BS standard.
40. Conservation and Design – Have worked closely with the agent to obtain various amended plans to overcome the Design and Conservation Officer's initial objection. They now raise no objection to the applications.
41. NHS – No comments received at the time the report was written.

Public Responses:

42. The application was advertised with a press notice, site notices and letters to neighbours and 1 letter was received from Durham Civic Trust that raised no objection to the conversion of the property to residential apartments but raised concerns about the lack of car parking and cycle storage.

Applicants Statement:

43. This development is being carried out by a local resident and was initially undertaken because he wanted to bring a positive use to an iconic building in Durham. Being a resident within the immediate vicinity of the proposed development, the impacts of the project have been of utmost importance when creating our development plan. We have specifically enlisted the help of local architects who have carried out many varied developments in Durham and have an excellent working knowledge of the city being well placed to develop our project sympathetically to the surrounding area.

44. After exploring a number of options for developing the building we arrived at a layout which allowed us to create a number of luxury apartments whilst maintaining as many of the historical aspects of the building as possible. We have followed the most natural areas for dividing the property, keeping original cornice works, ceiling roses, doors, stair cases, vents and windows to name but a few. The main stair case services the majority of the building and is central to our design, by converting into apartments we have been able to produce a design bringing minimal disruption to the structure of the building and allowing more people to enjoy this wonderful communal area.
45. The apartments will be a mixture of one and two bedroom units which are being built to be sold to professionals at the end of the development. The target market for the end product will be owner occupiers, more specifically we anticipate a high uptake from young professionals working in Durham, primarily in the age range of 25-40 years of age. The units will be sold on an individual basis on a long term lease arrangement at a minimum of 200 years. As the units will be smaller it will be unlikely to be sold to families and as a result will mean a lower impact in terms of traffic from the development, in contrast larger units were likely to attract families with 2 or more cars in a household. We estimate some of the larger two bedroom apartments will require parking spaces and as such have provided spaces for these units to the rear of our development. The units are being finished to a high specification and as such will be of a high capital value making it unlikely to attract attention from buy to let investors.
46. Durham has a thriving mixed culture and we feel this development will work well to help keep a positive balance in the community. Old Elvet in particular is benefiting from a large redevelopment already and our project will help maintain the heritage of the street and protect one of its oldest buildings, ensuring its continued use as a residential property.

PLANNING CONSIDERATIONS AND ASSESSMENT

47. 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 relate to the principle of development, impact of the development on the listed building and conservation area, residential amenity, impact on access and parking, ecology, flood risk and drainage and planning obligations.

Principle of Development

48. 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.

49. 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, DLP policies are to be regarded 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.
50. 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 the NPPF indicate the development should be restricted. In this case there are no policies which would indicate that the development should be restricted, therefore only the first limb applies.
51. 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.
52. In this case the site lies within the settlement boundary of Durham City as defined on the City of Durham Local Plan. As the site is located on the periphery of Durham City's commercial area, it is within walking distances of a wide range of commercial and social facilities. Good public transport links are also available from Durham train station and bus stops and Durham bus station within half a mile of the site. The site is therefore considered to be located in a sustainable location.
53. 52 Old Elvet was originally constructed as a dwelling and then converted into a club at a later date. Policy H2 of the Local Plan supports the conversion of buildings in Durham City into residential accommodation provided that the conversions are consistent with other policies which are discussed below.
54. The planning agent has clarified that the intent of the occupation of the proposed apartments is for them to be occupied by professional employed people. In the applicant's statement the agent has clarified that the applicant will be completing the conversion works on the apartments and then proposing to sell the apartments. Officers therefore consider that the apartments which are one and two bedroom fall within a C3, family style dwelling, use class.

Impact of the conversion on the Listed Building and the Conservation Area.

55. The Conservation Officer has confirmed that the grade II listed building was originally a house of an early 19th century appearance that despite much 20th century work and expansion still retains its original character. Internal inspection revealed that many architectural features survive such as timber panelled doors in architraves, cornicing, decorative ceiling roses, window panelling, skirtings, cast iron Victorian fire places and a cooking range etc. Secondly it is a building integral to the special interest and character of Old Elvet, a major contributing component to the significance of the conservation area. Thirdly, the building has social significance due to its 126 year use as a private gentlemen's club formed in 1890 by a committee of leading businessmen and aristocrats including the Earl of Durham, the High Sheriff, and the Marquis of Londonderry.
56. The application to convert the building has therefore required very careful consideration to ensure the alterations preserve or enhance the conservation area and the special character of the grade II listed building and the proposal has involved numerous amendments to overcome the concerns raised by officers.
57. The level of impact resulting from the internal alterations is now considered acceptable as the room plans mainly originate from the 20th century with the few rooms of the original town house conserved in their original size and shape being unaltered. The overall ethos of the conversion is appropriate conserving both the structural framework of the rooms and the associated historic content such as the skirting boards, cornices, ceiling roses, Victorian vents, and doors etc. This is important as these features reflect the fashionable trends of the time and give an indication of the original function of the rooms.
58. Amendments that have been secured through negotiation have included the retention of the basement without any alterations, and the retention of one of the few surviving Durham kitchen ranges.
59. External alterations to the building are limited to roof lights on the front elevation which are considered acceptable and three pitched roofed dormer windows on the rear elevation. Dormers are a feature within Old Elvet both to the front and rears of the properties. The dormers are satisfactory in terms of siting, size, proportions and style. In wider terms only glimpsed views of the dormers are attainable to reduce the impact to a negligible level. It is however important that the dormers are made from traditional materials with the window units having genuine through astragals and not imitation glazing bars, and this is proposed to be conditioned accordingly.
60. The other external alterations include the introduction of a new roof on the billiard room – a building that is in a poor structural condition, and a window is altered to include a fan light which is a traditional feature.
61. The internal and external alterations are therefore considered to be consistent with Part 12 of the NPPF, Policy E22 and E23 of the Local Plan and Section 72 of the Planning and Listed Building Act that requires special attention should be given to preserving or enhancing the character or appearance of the area. In this case, the proposals are considered to preserve the character and appearance. In addition Section 66 of the same act requires the Local Planning Authority to have special regard to preserving the listed building and the setting of the listed building. The amended scheme that retains the external appearance of the building and introduces minimal internal alterations is considered to preserve the character of the listed building.

Residential Amenity

62. The proposal involves the conversion of the existing building and no extensions are proposed to the building other than the dormers. In accordance with Policy Q8 the relationship between the windows and neighbouring windows should respect the residential amenity of neighbouring properties and provide satisfactory residential amenity for the proposed dwellings. In this case the front elevation retains habitable room windows and looks across Old Elvet to the Methodist Church and Old Shire Hall at a distance of over 21 metres and exceeds the policy requirement.
63. The side elevation facing Territorial Lane also includes habitable windows which face onto the side elevation of Old Elvet. The window relationship between the properties is a historic relationship and has a relationship which is below modern standards reflecting the historic street pattern in this area. As the building is listed, and the street pattern is historic a reduction from the current standards is considered acceptable in this case and would not result in standards of residential amenity which would be unacceptable.
64. To the rear the property has open views and so residential windows and the new dormers meet the County Councils space about dwellings policy.

Access and Parking

65. The County Highway Officer has raised no objection to the application. Given the close proximity to Durham City Centre the site is considered to be a sustainable location. The County Highway Officer has confirmed that no off street parking would be required with this application and has raised no objection to the provision of a small private car park to the rear that the agent has clarified is for the two bedroom flats.

Ecology

66. The County Ecologist has confirmed that the submitted Bat Building Survey is satisfactory and that no further assessments are required.

Flood Risk and Drainage

67. The Environment Agency and the County Drainage Engineer initially objected to this application as the site is located in a flood risk zone. An amended flood risk assessment has been submitted and the application has been amended to remove the living accommodation in the basement of the property. The County Council Drainage Engineer has withdrawn his objection and the Environment Agency has reconsidered the additional information submitted and withdrawn their objection subject to a condition regarding the finished floor level in the northern rooms.

Planning Obligation

68. Policy R2 on the provision of recreational and amenity space in new developments requires a provision for recreational play space and amenity space on all developments over 10 units. On this site the conversion of the property into 12 apartments does not have any external play space or amenity space. As such a financial contribution of £12,000 is to be secured through a Legal Agreement for play facilities and open space 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.

Paragraph 14 balancing exercise

69. In order to apply the first limb of the second bullet point of paragraph 14 of the NPPF, i.e. that planning permission should be granted unless adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, any harm and benefits of the proposal need to be weighed in the balance.

The benefits of the proposal are as follows:

- Bring back into use and secure future of a redundant building
- Sustainable location which will contribute to maintaining facilities in the area
- Economic benefits
- Financial contribution of £12,000 for improvements to open space to be secured through a S106 Obligation

The proposal would not result in any identified planning harm. Accordingly, there are no adverse impacts of the proposal which would significantly and demonstrably outweigh the benefits and planning permission should be granted.

CONCLUSION

70. The site is defined in the local plan as being within the settlement boundary of Durham City and would be a conversion of an existing building into 12 residential apartments. This is considered to conform to Policy H2 of the Local Plan. 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 Durham City and has good access to public transport links adjacent to the site.
71. The proposed scheme would have a limited adverse impact on the amenities of surrounding buildings and on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would therefore be in accordance with the aims of policies H13 and Q8 of the City of Durham Local Plan.
72. The Highways Authority has confirmed that they have no objection to the conversion of the building within such a sustainable location. 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.
73. In accordance with Policy R2 the proposed development would provide a developer contribution of £12,000 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.

RECOMMENDATION

Separate recommendations are now put forward for the planning application and the listed building consent application with each having the relevant conditions attached. APPROVE the planning application **DM/16/03941/FPA** subject to the completion of a Section 106 Legal Agreement to secure the financial contribution towards the provision and enhancements to play provision and recreational areas in the Electoral Division, and subject to conditions; and to APPROVE the listed building consent application **DM/16/03942/LB** subject to conditions;

Conditions for DM/16/03941/FPA

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:

Design and Access Statement

1000_Location Plan_P01

15152-HL-XX-DR-A-1003-Existing_Site_Plan-S2-P02

2000_HL_Existing Plans_P03

15152-HL-XX-DR-A-2017-Existing_Elevations-S3-P01

15152-HL-XX-DR-A-3000-Dormer_Window_Detail-S2-P02

15152-HL-XX-DR-A-3001-Billiard_Rooflight_Detail-S2-P01

15152-HL-XX-RP-A-External_repair_schedule-S2-P02

AMENDED PLAN 15152-HL-XX-DR-A-2100-..PROPOSED BASEMENTAND FIRST FLOOR PLAN – 26TH May 2017

AMENDED PLAN 15152-HL-XX-DR-A-2101-PROPOSED FIRST FLOOR PLAN– 26th May 2017

AMENDED PLAN 15152-HL-XX-DR-A-2022- 15152-HL-XX PROPOSED SECOND FLOOR AND ATTIC PLAN– 26TH MAY 2017

AMENDED PLAN 15152-HL-XX-DR-A-2104- ROOF PLAN – 26TH MAY 2017

15152-HL-XX-DR-A-2117- GROUND FLOOR DETAILS INCLUDING RAISING THE FLOOR LEVEL – MAY 26TH 2017

AMENDED PLAN 15152-HL-XX-DR-A-2027-PROPOSED ELEVATIONS– 22ND MARCH 2017

15152-HL-XX-DR-A-3000-Dormer_Window_Detail-S2-P02

15152-HL-XX-DR-A-3001-Billiard_Rooflight_Detail-S2-P01

15152-HL-XX-RP-A-External_repair_schedule-S2-P02

BIN STORE – AMENDED PLAN RECEIVED 24TH MAY 2017

AMENDED FLOOD RISK ASSESSMENT AND MITIGATION STRATEGY RECEIVED 02.05.2017

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

3. The development hereby approved shall be carried out in full accordance with the All About Trees Bat Building Survey validated on the 14th December 2016.

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

4. The compound for the bin storage area shall be implemented in accordance with the approved details before any apartment is occupied.

Reason – In the interest of visual amenity in accordance with Policies Q16, E6, E22 and E23 of the City of Durham Local Plan 2004.

5. Before the development commences full details of any sound proofing measures and associated remediation works between the apartments shall be submitted to the Local Planning Authority and approved in writing. The sound proofing and any associated remediation works shall then be implemented before the apartments are occupied.

Reason – In the interests of aural amenity and to protect the fabric of the listed building in accordance with Policies Q8, U14 and E23 of the City of Durham Local Plan 2004.

6. Before the development commences a detailed acoustic report, carried out by a competent person in accordance with BS 8233: 2014, on the existing noise climate at the development site shall be submitted to the Local Planning Authority and approved in writing. (The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transference of noise). In the event that the acoustic report finds that the guideline values set out in the above British standard would be exceeded a scheme of sound attenuation measures shall be submitted to the Local Planning Authority and approved in writing. The approved sound attenuation measures shall then be implemented before the apartments are occupied.

Reason – In the interests of aural amenity and to protect the fabric of the listed building in accordance with Policies Q8, U14 and E23 of the City of Durham Local Plan 2004.

7. The finished floor levels of the north west apartment shall be set no lower than 36.8m above the Ordnance Datum (AOD), and this shall be fully implemented prior to the occupation of this apartment.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Part 10 of the NPPF

Conditions for DM/16/03942/LB

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Design and Access Statement

1000_Location Plan_P01

15152-HL-XX-DR-A-1003-Existing_Site_Plan-S2-P02

2000_HL_Existing Plans_P03

15152-HL-XX-DR-A-2017-Existing_Elevations-S3-P01

AMENDED PLAN 15152-HL-XX-DR-A-2100- PROPOSED BASEMENT AND FIRST FLOOR PLAN – 26TH May 2017

AMENDED PLAN 15152-HL-XX-DR-A-2101-P PROPOSED FIRST FLOOR PLAN– 26th May 2017

AMENDED PLAN 15152-HL-XX-DR-A-2102- PROPOSED SECOND FLOOR AND ATTIC PLAN– 26TH MAY 2017

AMENDED PLAN 15152-HL-XX-DR-A-2104-PROPOSED ROOF PLAN – 26TH MAY 2017

AMENDED PLAN 15152-HL-XX-DR-A-2027-PROPOSED ELEVATIONS– 22ND MARCH 2017

Proposed Door schedule

15152-HL-XX-DR-A-2024-Door_Schedule_Basement&GF_Plan-S2-P03

15152-HL-XX-DR-A-2025-Door_Schedule_01&Mezz_Plan-S2-P03

15152-HL-XX-DR-A-2026-Door_Schedule_02_Plan-S2-P03

15152-HL-XX-DR-A-2028-Door_Existing Elevations-S2-P01

15152-HL-XX-SH-A-Door_Schedule-S2-P02

Email of Tue 28/03/2017 clarifying doors to be used in the schedule and with the attachments clarifying the velux roof lights and internal door details.

15152-HL-XX-DR-A-3000-Dormer_Window_Detail-S2-P02

15152-HL-XX-DR-A-3001-Billiard_Rooflight_Detail-S2-P01

15152-HL-XX-RP-A-External_repair_schedule-S2-P02

AMENDED PLAN 15152-HL-XX-DR-A-2027-PROPOSED ELEVATIONS– 22ND MARCH 2017

Altered partitions

15152-HL-XX-DR-A-2109-PARTITIONSPLASTERP. – GROUND FLOOR PARTITIONS SPECIFICATION.. 26TH May 2017

15152-HL-XX-DR-A-2110-.- FIRST FLOOR PARTITION – 26TH May 2017

15152-HL-XX-DR-A-2111-SECOND FLOOR PARTITION - 26th May 2017

15152-HL-XX-DR-A-2112- ATTIC PARTITION - 26TH may 2017

Ceiling Details

15152-HL-XX-DR-A-2113– GROUND FLOOR CEILINGS – 26TH May 2017

15152-HL-XX-DR-A-2114- FIRST FLOOR CEILINGS – 26TH MAY 2017

15152-HL-XX-DR-A-2115- SECOND FLOOR CEILING PLAN – 26TH MAY 2017

15152-HL-XX-DR-A-2116- ATTIC CEILING PLAN – 26TH MAY 2017.

BIN STORE – AMENDED PLAN RECEIVED 24TH MAY 2017

AMENDED FLOOD RISK ASSESSMENT AND MITIGATION STRATEGY RECEIVED 02.05.2017

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

3. The development hereby approved shall be carried out in full accordance with the All About Trees Bat Building Survey validated on the 14th December 2016.

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

4. The compound for the bin storage area shall be implemented in accordance with the approved details before any apartment is occupied.

Reason – In the interest of visual amenity in accordance with Policies Q16, E6, E22 and E23 of the City of Durham Local Plan 2004.

5. Before the development commences full details of any sound proofing measures and associated remediation works between the apartments and on external fenestrations shall be submitted to the Local Planning Authority and approved in writing. The sound proofing and any associated remediation works shall then be implemented in accordance with the approved details before the apartments are occupied.

Reason – In the interests of aural amenity and to protect the fabric of the listed building in accordance with Policies U14, Q8 and E23 of the City of Durham Local Plan 2004.

6. The finished floor levels of the north west apartment shall be set no lower than 36.8m above the Ordnance Datum (AOD), and this shall be fully implemented prior to the occupation of this apartment.

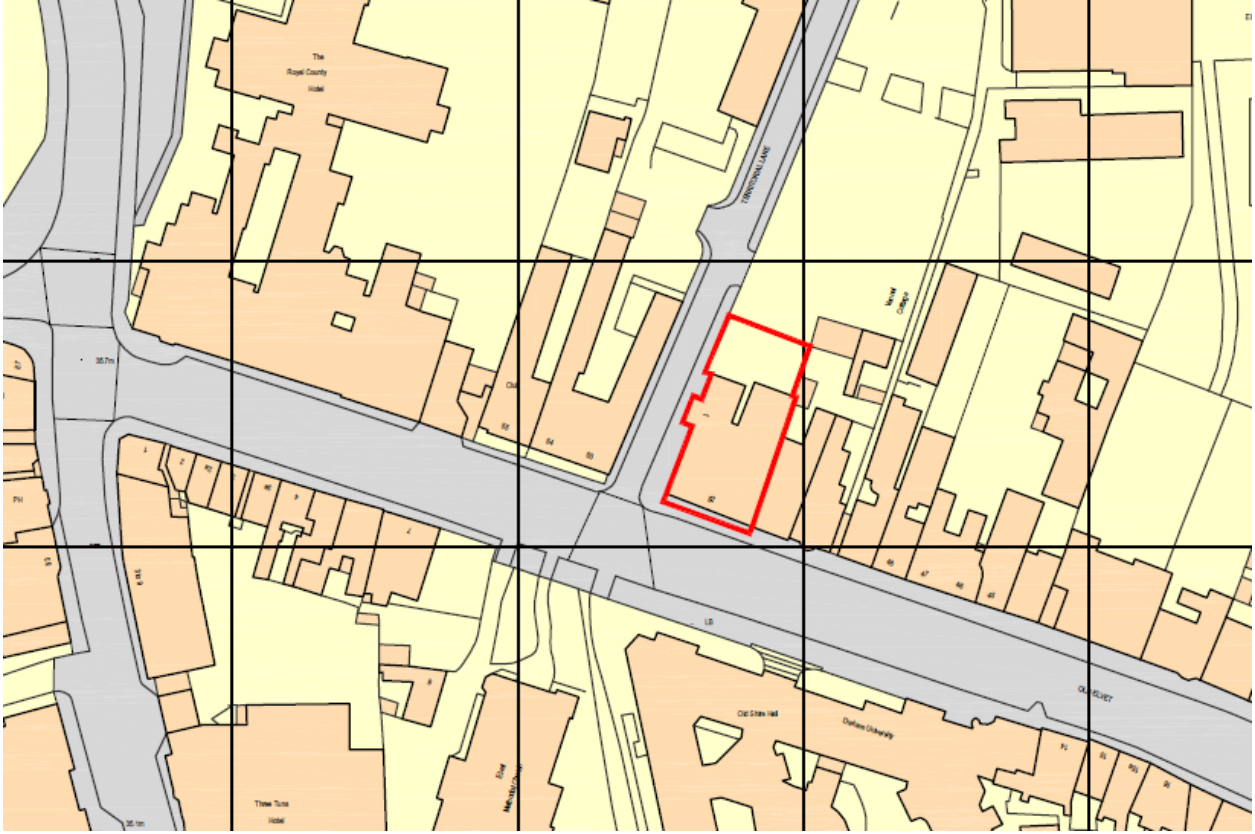
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Part 10 of the NPPF

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans 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

Adaptation of existing building to provide 12 individual apartments with 3 dormer windows on the rear and internal and external alterations. (Amended plans)

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Date
April 2017

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