



Area Planning Committee (Central and East)

Date Tuesday 9 January 2018
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 12 December 2017 (Pages 3 - 20)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central & East Durham)
 - a) DM/17/01903/FPA - Bishop Langley, North Road, Durham (Pages 21 - 32)
Alterations to the existing rooftop terrace (amended proposal reducing the footprint of the retractable roof).
 - b) DM/17/02606/FPA - Durham Sixth Form Centre, The Sands, Durham (Pages 33 - 46)
New multimedia facility and reconfiguration of car park provision.
 - c) DM/17/03046/FPA - Former Murton Victoria Club, Church Street, Murton (Pages 47 - 62)
14 Dwellings.
 - d) DM/17/03290/FPA - Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham (Pages 63 - 74)
Insertion of mezzanine floorspace.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
20 December 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

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 12 December 2017** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors D Brown, J Clark, I Cochrane, D Freeman, P Jopling, R Manchester, J Robinson and O Temple

Also Present: Councillors J Blakey, S Dunn and M McKeon

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, K Corrigan, M Davinson, N Grayson, K Hawley, S Iveson and A Laing.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

Members noted that the minutes of the meeting held 10 October 2017 that were included with the agenda papers for the meeting held 14 November 2017 had erroneously contained the minute for Item 5e twice, rather than a separate minute for Item 5f. Accordingly, the Chairman noted that a version containing separate draft minutes for Items 5e and 5f had been included within these agenda papers. The minutes of the meetings held on 10 October 2017 and 14 November 2017 confirmed as correct records by the Committee and signed by the Chairman.

4 Declarations of Interest

Councillor J Clark declared an interest in Item 5a as a member of the Durham City Housing Group (CDHG) Operations Board. It was noted that she would leave the Chamber and take no part in the discussion or voting thereon. Councillor R Manchester declared an interest in Item 5a as he had a close association with one of the objectors. It was noted that he would leave the Chamber and take no part in the discussion or voting thereon

Councillors J Clark and R Manchester left the meeting at 1.06pm

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

a DM/17/03061/FPA - Land at Surtees Avenue, Bowburn

The Team Leader - Central and East, Alan Dobie 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 Team Leader - Central and East advised the application had been deferred at the last meeting of the Committee and that Members of the Committee had visited the site previously and were familiar with the location and setting. The application was for development of 10 no. 3 bedroom houses with associated car parking, landscaping and new adopted highway and was recommended for approval, subject to conditions and s106 agreements.

The Team Leader - Central and East explained that the main concerns raised at the last meeting had related to highways issues, including access to the nearby primary school. He added that the Highways Section had looked at the road network around the site and noted that there was more than a single access to the school, with the Highway Development Manager to elaborate on this further.

The Committee noted housing to two sides of the site, with a former depot to the south of the site. Members were asked to note the proposed layout and access to the site, with 2 semi-detached properties each side of the access and with 6 semi-detached properties along the south of the site for a total of 10 properties. Members were shown elevations of the 3 house types proposed, noting all were semi-detached and two storey.

The Team Leader - Central and East explained there had been no objections from statutory or internal consultees. It was noted that 37 letters of objection had been received, objections from Cassop-cum-Quarrington Parish Council and objections from the Bowburn and Parkhill Community Partnership.

The Team Leader - Central and East noted the site was in a sustainable location, that it would help contribute to the five year supply of housing land and that all the required separation distances were met. Members noted that since the last meeting, a further site visit with Officers from Planning and Highways had taken place with Local Members at peak school time, 3.00pm on a Friday. Councillors noted that further assessment had identified three main routes to the primary school, with one of them going past the application site along Surtees Avenue. It was noted that the Highways Officer's professional view was that the application would not be prejudicial to road safety and therefore the application was satisfactory in highway terms.

The Team Leader - Central and East noted that Councillor J Blakey had supplied some photographs showing flooding issues at a nearby site and that these would be shown on screen while the Local Member spoke on the application. It was explained that the recommendation from Officers was for approval on the basis that the site was sustainable, was not allocated as open space in the Local Plan, and Officers felt that there would not be an adverse impact in terms of visual amenity. The Team Leader - Central and East reiterated that the Highways Manager had made no objections, and was happy in terms of the arrangements for parking and access. It was added that the Drainage Officer had made no objections and there would be s106 agreements in terms of open space and recreational facilities in the locality; and a financial contribution towards public art in the locality.

The Team Leader - Central and East concluded by noting that the application had been considered in terms of the balance test contained in Paragraph 14 of the National Planning Policy Framework (NPPF) and Officers felt that the planning permission should be granted as the adverse impacts of the development did not significantly and demonstrably outweigh the benefits.

The Chairman thanked the Team Leader - Central and East and noted there were several speakers in relation to this item. He asked Local Member, Councillor S Dunn to speak in objection to the application.

Councillor S Dunn thanked the Chairman and noted that the report stated the application had been considered under Paragraph 14 of the NPPF and that paragraph 53 of the original report stated that the adverse impacts of the development did not significantly and demonstrably outweigh the benefits. He added that he would assert that the application did not meet the test of Paragraph 14 of the NPPF, and that the significant concerns did outweigh the benefits, as demonstrated by the 37 letter of objection and many more who had not written in, however, they having made their feelings on the matter known to Local Members.

Councillor S Dunn noted that the report stated that there would be no adverse impact on amenity, however, he explained that the site was used by young children to play and was one of the few remaining green spaces within the village that had not been built on. He reiterated that he did not agree with the reports' assertion as regards Paragraph 14 of the NPPF.

He thanked Officers from the Planning and Highways Teams for coming out on site again to meet with Local Members. He added that he felt the traffic was particularly quiet on this day and added that Officers would likely have to agree that the road along Surtees Avenue was indeed narrow. Councillor S Dunn noted that there were really only two alternatives in terms of access to the primary school, being Lawson Road and Surtees Avenue. He explained that Surtees Avenue ran up from the main road, and would be the more likely choice for those trying to get to the 240 place school. He added that from approximately March 2018, there were plans to turn the school to a 540 place school and would be the third largest primary school in County Durham.

He noted there was the other route, via Lawson Avenue, however taking into account the Integra 61 development of 240 houses, and a 190 houses for a site at Parkhill, together with another potential 600 properties via permissions, then this could present a problem if accessing the school by car, the school perhaps requiring an alternative access. Councillor S Dunn noted the application for the school was not being considered yet, however, noted that it would likely be soon.

Councillor S Dunn noted he did not feel that paragraph 74 of the report addressed the issues of highway safety in respect of a lot of children coming down Surtees Avenue, adding that while it would be hoped that any new residents would walk their children to the school, some may choose to drive.

Councillor S Dunn noted the s106 contributions were welcomed, however, he hoped that the Developer would look at alternative sites, with some at Croxdale and some at Kelloe, adding that the Developer had stated the former being more expensive and the latter being a less desirable site.

He concluded by noting that it was felt that it was the wrong application for the wrong site and the objections raised were significant in terms of Paragraph 14 of the NPPF and the Committee should reject the application.

The Chairman thanked Councillor S Dunn and asked Councillor J Blakey to speak in relation to the application.

Councillor J Blakey noted she would add more details, further to her comments at the last meeting. She referred to a copy of the Village Masterplan, prepared by the former City of Durham Council, adding that it still had weight. It noted that there were grounds for objection in that the Masterplan stated that regeneration should be in terms of sustainable, vibrant communities. She added that this would include places for small children to play and would not involve having them to walk some distance to the park.

Councillor J Blakey added that, in terms of the economy and the number of new build schemes, there was one particular site where 26 of the 49 properties were empty and added she felt this spoke as regards the issues in terms of property sales. She added that having a lot of empty properties was not the way to help keep communities together.

In relation to the environment, Councillor J Blakey explained she had been working over the last 9 years in terms of Northumbrian Water and the Highways and Drainage Teams on the issue of flooding. She referred to photographs showing the extent of recent flooding, the week after the previous Planning Committee. She explained how water had entered the Youth Club and Community Centre damaging a sprung floor, with potentially thousands of pounds worth of damage. Councillor J Blakey explained how this was not the first time such flooding had occurred, rather it had occurred 5 times over the last 9 years. She added that until the issues with the drain were resolved that it would likely reoccur, and any additional water entering the drain would likely add to the problems.

Councillor J Blakey added that the “Daisy Field” site had required the developer to include a “slow down drain” prior to entering the main drain, however, this did not appear to be working. Councillor J Blakey referred to recent press articles relating to a failure to identify flooding risks.

Councillor J Blakey noted that just below this application site, the former Mabey Hire depot, had previously been granted permission for 39 houses, and this brownfield site should be brought forward as residents would be happy to see it developed rather than a greenfield site. Councillor J Blakey concluded by noting that she would ask the Committee to refuse the application on the basis of the impact upon the whole community.

The Chairman thanked Councillor J Blakey and asked Councillor M McKeon to speak in relation to the application.

Councillor M McKeon noted that she did have much to add to that already said by Councillors S Dunn and J Blakey other than to note that in addition to the plans for the school to increase to 540 pupils, there were also plans for a nursery, for children starting at age 2 and therefore there would be an associated increase in numbers at the school site, and it was likely that those with very young children would find it easier to drive to the site than walk. She added that a small development could have the potential to have knock on effects and it would be a detriment if the school development was endangered.

Councillor M McKeon added that as a young person she was very keen on the rent-to-buy schemes and new properties aimed to enable people to get a foot on to the housing market. However, she noted that there was a place for such development and it was not at this site, the wrong site for the local community. She added that Members had worked with the County Durham Housing Group to look at other sites in Croxdale, Kelloe and Bowburn however were told that those sites were not financially viable. Councillor M McKeon noted her surprise of the inclusion of s106 agreements for financial contributions included within this application, adding that these contributions could have been put to use in making another scheme elsewhere more viable.

The Chairman thanked Councillor M McKeon and asked Mrs J Carpenter and Ms E Pallister, local residents, to speak in objection to the application, having 5 minutes between them.

Mrs J Carpenter noted she objected on highway safety grounds, with Surtees Avenue being very narrow and with cars parked both sides. She added that the site was close to the Bede Terrace junction and with vans parked the view is obstructed forcing drivers to pull out on the wrong side of the road, with the potential of driving into oncoming traffic, noting she had had a few near misses herself. Mrs J Carpenter noted a collision on 12 May between the cars of parents of children attending the school, adding she felt Surtees Avenue was the main route to the school, and once the new school was developed there would be a significant increase in the traffic along this road. She added that even if a new entrance was put in place, locals would still use Surtees Avenue to access the school.

Mrs J Carpenter noted that she and her husband were worried as regards privacy, with their property backing on to the application site. She explained that while Officers had stated that the application met the minimum separation distances, they felt that the proposed development would be a disruption to their lives.

Mrs J Carpenter noted parking was an issue, especially at weekends, and explained that there could be potential issues as cars currently parked in an area that would be directly opposite the driveways of the proposed properties. She added that she felt there would be increased noise levels affecting the neighbourhood with 30 or more additional vehicles.

Ms E Pallister noted that the loss of open space was contrary to City of Durham Saved Local Plan Policy E5a and would impact upon the character of the estate, with the site in question having been open space for the last 60 years, used by local people, including responsible dog walkers every day. It was added that if people were not able to use or cross over the area of open space they would need to use a secluded path to the local park, not safe for young children.

Ms E Pallister noted that it had been mentioned that on a visit to the site it had not appeared as if the site had been used, however, just 48 hours prior to the visit the site had been used and played on and that if developed then local events and activities for family would not be able to go ahead. She concluded by noting that Government had stated brownfield sites were preferable to greenfield sites and the former Mabey Hire depot, which had previously been granted permission for 39 houses, would be far more suitable, having a good access from the main road.

The Chairman thanked the Local Members and Residents and asked Mr J Brookes Agent for the Applicant to speak in support of the application.

Mr J Brookes explained he was a Director with Indigo Planning, speaking on behalf of the applicant, the County Durham Housing Group. He noted he had been tasked with reviewing the applicant's proposals and had visited the site and reviewed the documentation and had spoken with the case officer, the Senior Planning Officer, Chris Baxter.

Mr J Brookes noted that in conclusion he had to agree with case officer's recommendation for approval, noting the highways aspect had been assessed and the application had been considered in line with the development plan and the NPPF planning balance. He added that the land did not have a protected status and the application sought to provide much need affordable housing, in a sustainable location surrounded by existing housing.

Mr J Brookes noted the open nature of the site would mean that construction vehicles and equipment could utilise the site itself and therefore this would cause significantly less disruption in the construction phase. He added that s106 contributions of £20,570 would help with improvements to the local Bowburn Recreation ground, and a sum of £11,400 would be provided for public art in the area, with the County Durham Housing Group being happy to hear from residents with their ideas.

Mr J Brookes explained that within the scheme there were 23 parking spaces for 10 properties, with only a loss of around 3 to 4 parking spaces in the area where the bell mouth of the access road would be constructed.

He noted that the Highways Section had noted 2 or 3 routes to access the local school, and that all the relevant planning legislation had been met in terms of the application, with neither the NPPF nor Development Plan resisting the application. Mr J Brookes noted that he felt there were no policies to go against the presumption in favour of development and that the loss of a few parking spaces and a non-protected area of open space was not sufficient for the application to be refused. He concluded by noting that therefore he felt the application should be approved and that if the application was refused and considered at an appeal he felt that it would be approved by the Planning Inspectorate.

The Chairman thanked Mr J Brookes, however noted that the application was not at an appeal yet and was for consideration by the Committee today on the basis of the report and statements from the speakers. The Chairman asked the Team Leader - Central and East if he could address the points made by the speakers.

The Team Leader - Central and East noted that while there may have been discussions in terms of other potential site for development, the application received was for this site and set out within the report. He reiterated that the site did not have any protected status nor was it allocated as open space and accordingly the application had to be assessed on its own merits. In respect of reference to other developments with empty properties and that in terms of developers submitting planning applications, the developers themselves must feel as if they can market those properties successfully. In relation to the issue raised in terms of privacy, the Team Leader - Central and East agreed there would be a noticeable difference when comparing the proposed development to an open space, however, it was reiterated that all the requisite separation distances had been met and therefore he did not feel there would have been grounds for Officers to recommend refusal on privacy grounds. In terms of the flooding referred to by Councillor J Blakey, paragraph 79 of the report set out the views of the Drainage Officer, being satisfied with the proposed drainage measures.

The Highways Development Manager, J McGargill noted that Officers from the Highways Section had visited the site on a number of occasions and looking at the village of Bowburn in four quadrants, then the largest percentage would access the school via Tunstall Avenue and Edward Avenue and that there would not be a significant volume of traffic along Surtees Avenue as it was the more torturous route. He added that a route via Prince Charles Avenue and Edward Avenue would be less torturous.

The Highways Development Manager noted that if had been a refusal recommendation on highways grounds, there would need to be evidence to support this. He noted there had not been traffic accidents at this part of the road, and while referred to as being narrow, the road was approximately 4.2 metres wide, wide enough for emergency vehicles to pass the parked cars.

The Highways Development Manager noted the proposed development of 10 properties would generate 6 trips at peak times, however, the general migration would be towards the A177 and not towards the school. He added that the number of trips equated to 1 every 10 minutes, imperceptible in terms of impact.

The Highways Development Manager explained that the proposed access to the site would not increase road safety issues and that the type of access was of a standard type that pedestrians would need to cross. He noted the issues as described by local residents in terms of visibility, however, at slow speeds the standards required were achievable and therefore Highways had no objections to the application. The Highways Development Manager concluded by noting that the parking to be provided on site was 2 per unit, with an additional 3 visitor spaces, which the residents opposite the site would have the opportunity to use, if the application was to be approved.

The Chairman thanked the Officers and asked Members of the Committee for their comments and questions.

Councillor P Jopling asked where the photographs of the flooding were taken. Councillor J Blakey noted that were at a location below the application site.

Councillor O Temple noted the original reason for the deferral of the application had been to look at the highways issues that had been raised, in the absence of a representative from the Highways Section at the last Committee. He noted that 4.2m had been quoted as the width of the road at Surtees Avenue and that as many representations had been made that this was narrow, he asked whether this was the case. The Highways Development Manager noted it was a standard width for this type of residential street and was not unusually narrow.

Councillor O Temple noted that the two main concerns had been highways issues and the loss of open space and asked if the slide with maps of the area could be displayed and the local park pointed out relative to the application site. The relevant maps were displayed and the locations explained by Councillor J Blakey.

Councillor O Temple noted he felt conflicted as the road was narrow, however the development was small at only 10 houses and with a small amount of associated traffic as explained by the Highways Officer. Accordingly, he felt that while the road was narrow, it was not sufficient to refuse the application and therefore he was moving towards the application being approved. Councillor D Brown noted he would second the recommendation for approval, as the report had clearly set out answers to the queries raised by the Committee previously and he felt that there had been no material change since the last Committee.

Councillor O Temple proposed that the application be approved; he was seconded by Councillor D Brown.

RESOLVED

That the application be **APPROVED** subject to the completion of Section 106 Legal Agreements and the conditions detailed in the Officer's report to the Committee.

Councillors J Clark and R Manchester entered the meeting at 1.45pm

b DM/17/01376/FPA - Land To The South East Of Southridge, Seaton

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The 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 change of use from agricultural use to the storage of equipment and materials in association with an arboricultural business (amended description and plans received confirming revised access) and was recommended for approval, subject to conditions.

The Team Leader - Central and East explained that Members had seen while on site the application included two parts, one part being an agricultural building, part of a complex of buildings that had once been a farmstead, with conversion to residential during the 1990s and 2000s. He added that a number of small businesses had developed at the site, including liveries and a prestige car business. It was explained the second part was a field that the applicant would use to store and process materials brought to site.

Members noted that the types of vehicles to be stored were not heavy goods vehicles, rather small trucks, Land Rovers, tractors, mobile wood chippers and a workforce welfare van. It was noted that vehicles would be leaving site in the morning to attend jobs and return at the end of the work day to the site, with some employees of the business having work vehicles at home and would travel directly to jobs from their homes.

The Team Leader - Central and East noted the majority of the concerns from residents were in terms of the vehicle movements and the chipping of wood on-site. Members noted plans showing the areas and it was added that as the building had been vacant for a while the application would help to bring a building back into use. Members noted that the application also included cabins to the rear of the building for office and welfare facilities. It was explained that the access would be along the road running between the agricultural building and the livery opposite. It was noted that there was a dispute in terms of rights of access along this road, however, this fell outside of the remit in terms of determining the planning application. It was noted that the application was adequate in terms of access and parking provision, the proposed access having accommodated the minibus used for the site visit by Members and also agricultural vehicles in the past.

The Team Leader - Central and East referred to a plan and photos in terms of the storage of materials and where chipping would take place, the furthest part of the field from other properties.

It was noted there was a condition within the recommendation for approval that sought to restrict the height of any stored materials to 2 metres, and it was added the site levels meant that this area was below that of the nearby properties.

It was noted that representations had been received from residents as well as Seaton with Slingley and Dalton-le-Dale Parish Councils in terms of the access and highway safety and potential noise.

Members noted that there had been no objections from the Highways Section and the Noise Team subject to conditions restricting the chipping, and including a limit of no chipping activities on more than 3 days within a calendar month, and that such chipping be carried out at a reasonable hour.

The Team Leader - Central and East noted the application was not technically in accordance with development in the countryside, however, the type of business was associated with the countryside and the issues would primarily be in terms of the vehicles coming and going from the site. It was reiterated that vehicles would primarily be travelling out from the site to jobs, and returning later in the day and that this would have little impact on other road or bridleway users.

It was explained that the two cabins proposed to be placed at the rear of the agricultural building would be well screened and painted an appropriate colour as to blend in. Members were reminded that the application would allow a business to retain employment for a number of employees and that the business needed to vacate its current premises.

The Team Leader - Central and East noted that the bringing back into use of the agricultural building, together with the securing of jobs was positive and that the impacts upon highway safety and noise could be dealt with by way of conditions. He added that in terms of the NPPF Paragraph 14 balance test the benefits would outweigh the dis-benefits and therefore the application was recommended for approval.

The Chairman noted that Applicant, Mr J Wheeler was in attendance should there be a need for him to answer any questions and asked Members of the Committee for their comments and questions.

Councillor O Temple noted whilst out on site that the position chosen for wood chipping was as far away from the main site and residential buildings as possible, however, asked that under paragraph 8 of the report where there was reference to processing, he asked what cutting by hand meant and whether this excluded the use of chainsaws.

Mr J Wheeler noted that by hand-sawing he understood this to mean by use of a chainsaw, and that chainsaws were around 90dB and the chipper around 95dB in terms of noise levels. The Chairman noted restricted working times in terms of activities. Councillor J Clark asked if the limit of processing to 3 days in one calendar month applied to the use of chainsaws in addition to chippers. The Solicitor – Planning and Development, Neil Carter noted that Condition 5 appeared to cover the use of chainsaws in the sense of processing of the materials.

Councillor J Robinson proposed that the application be approved; he was seconded by Councillor P Jopling.

RESOLVED

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

c DM/17/03649/FPA - 6 Noble Street, Easington Colliery

The Planning Officer, Susan Hyde 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 conversion of two storey 3 bedroom dwelling house into two one bedroom flats and was recommended for approval, subject to conditions.

The Planning Officer noted the property was a mid-terrace Victorian property, within an area of made up predominantly of such terraced streets. It was added there were a number of services nearby, including a primary school. Members noted the frontages of the terraces had pedestrian access and a small front garden, with the rear having a yard and vehicular access. The Committee noted photographs showing how vehicles parked along one side, allowing access and it was noted the small rear yards were unable to accommodate parking, except for those on the ends of the terraces which had larger yards.

The Planning Officer referred to current and proposed floor plans, highlighting the change from a single 3 bedroom dwelling with kitchen facilities on the ground floor to two self-contained single bedroom units, with each having their own kitchen and bathroom facilities. It was noted the front elevation had no modifications, with the rear having a proposed alteration such to create two doors.

It was explained that there had been no objections from statutory consultees, and that while there was no off-street parking provision the Highways Section were satisfied as the area was recorded as having lower than average car ownership and the conversion to two units would not generate a significantly higher demand for car parking provision.

The Planning Officer noted that Easington Colliery Parish Council had asked for the Committee to consider the application as they had felt that if this application was approved it could lead to further issues in the future. It was added that in terms of each application of this type that could potentially be received, each would be looked at by the Highways Section in terms of parking and other issues. It was reiterated that in this case, there were no objections.

Members noted that in terms of residential amenity the separation distances were less than usually sought, however, this was due to the Victorian nature of the properties.

The Planning Officer noted that it was felt the changes to the rear elevation was in keeping with the area and that it was recommended the application be approved subject to the conditions as set out in the report.

The Chairman thanked the Planning Officer and noted the only registered speaker was Councillor D Boyes to speak on behalf of the Parish Council, however he was not in attendance at the meeting and therefore he asked the Committee for their comments and questions on the application.

Councillor D Brown proposed that the application be approved; he was seconded by Councillor O Temple.

RESOLVED

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

Councillor J Robinson left the meeting at 2.20pm

d DM/17/03382/AD - Bannatynes Health Club and Hotel, Eden Terrace, Dragonville

The Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for display of freestanding sign to North West corner of site and was recommended for approval, subject to conditions.

The Planning Officer noted site of Bannatyne's Health Club and Hotel at Eden Terrace, Dragonville, being bounded by residential properties and woodland. Members were referred to aerial photos and it was noted Members had attended the site, where an existing canvass banner style advertisement was in place. It was noted that the proposed sign was of dimensions 4 metres by 3 metres, mounted on posts 1.8 metres to give a total height of 4.8 metres from the ground. The Committee noted an image showing the proposed sign, a mixture of colours and imagery.

It was explained there had been representations from Belmont Parish Council in terms of the sign being too big and representing a distraction to drivers and therefore impacting upon highway safety and being contrary to saved City of Durham Local Plan Policies Q16 and Q17.

The Planning Officer noted that the sign was large, however it would set back away from the road and the Highways Section had offered no objections, and it was noted there were numerous examples of large signs at nearby car dealerships approximately 450 metres away. The Planning Officer noted that saved Local Plan Policy Q17 was not being considered as that policy related to hoardings, and the application was for signage, covered by Policy Q16.

It was reiterated that the sign would be set back from the road and therefore it was felt it was in accord with Policy Q16. It was noted that there was a proposed additional condition to ensure that the existing banner sign be removed.

The Chairman thanked the Planning Officer and asked Parish Councillor B Howarth to speak in objection to the application on behalf of Belmont Parish Council.

Parish Councillor B Howarth noted that Members of the Parish Council were extremely concerned as regards the proposed sign and added that if the proposal had been for a smaller and less complex image, comprising of simply the Bannatyne's logo and the relevant contact details, then the Parish Council may not have objected to the application.

Parish Councillor B Howarth added that the sign would be larger than the projector screens being used in the Council Chamber and noted that the width of the proposed sign would be greater than the road width in the first application considered by the Committee, 4.8 metres and 4.2 metres respectively. She added that the proposed sign was next to a complex roundabout, with 3 junctions that split into 2 lanes and therefore drivers needed to be vigilant and not be distracted by large complicated signs. It was noted there was not a history of accidents at the location, however, this was without such a large distracting sign in place.

Parish Councillor B Howarth reiterated that it was the size and nature of the sign that was being objected to, and that it was felt that the sign was inappropriate in terms of its location near to open fields that served the local community. She added that it may be disputed as to whether the existing banner sign ever had the requisite permission and asked if the sign had been placed upon a Durham County Council owned fence without permission.

Parish Councillor B Howarth concluded by noting that the Parish Council would asked that the Committee refuse the application on the basis of it being contrary to saved City of Durham Local Plan Policy Q16 being a detriment to highway safety. It was reiterated that the Parish Council were happy for Bannatyne's to have advertising, however not at this scale, posing a distraction to drivers.

The Chairman thanked Parish Councillor B Howarth and asked Mr A Moss, Agent for the Applicant to speak in support of the application.

Mr A Moss noted he only had a few words to add to the good report and presentation made by the Planning Officer. He noted the issues raised related to public safety and amenity. In terms of public safety, Mr A Moss referred to the satisfaction of the Council's Highways Section and also of Planning Officers.

Mr A Moss noted that in terms of amenity, he agreed with the Officer's report and added that he could confirm the Land Registry Title Reference Numbers in terms of the ownership of the land on which the proposed sign would be placed.

Mr A Moss concluded by asking the Committee to agree with the recommendation of Officers and approve the application, and noted that the applicant would be happy to accept an additional condition that required that the old banner sign be removed.

The Team Leader - Central and East noted that it was accepted it was a large sign and that if you were to stand up close it would appear to be of significant size, however, it was set back from the road and intended to be viewed from a distance, primarily by road users. In terms of impact upon amenity, it was reiterated that nearby there were a number of large signs and the application could not be considered as being an application in the countryside.

The Team Leader - Central and East noted that compared to the existing banner sign the proposed sign was acceptable and reiterated that the Highways Section had offered no objections. He added that he was not aware of any planning history in terms of the existing banner sign, however if the application was approved then the additional condition would ensure its removal.

The Highways Development Manager noted the issue of distraction to drivers was an interesting one. He referred to Department for Transport studies that had concluded that signs were not distracting, looking at a number of different types including flashing and illuminated signs. Members noted that recently Newcastle City Council had installed video advertising and the County Council had advertising displayed on roundabouts, which included contact telephone numbers.

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

Councillor D Brown noted he could only make out four words on the image of the proposed sign and added that drivers at the junction would be looking right and not at the sign and therefore he would support the Officer's recommendation for approval.

Councillor D Freeman noted he did feel the sign was very large and ugly and actually unnecessary with the large Bannatyne buildings just behind and added he would not be supporting the application as he felt it was contrary to saved City of Durham Local Plan Policy Q16.

Councillor D Brown proposed that the application be approved; he was seconded by Councillor P Jopling.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and an additional condition for the removal of the existing banner sign.

e DM/17/01555/FPA and DM/17/01556/LB - Albert House, 33 Silver Street, Durham

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. It was noted there was an application for the conversion of the existing building into 17 self-contained student apartments and a reduced commercial/retail floor space, together with an associated Listed Building consent, and they were recommended for approval, subject to conditions.

The Team Leader - Central and East explained that the building was the former Post Office within the City Centre, a large deep building that extended at the rear towards Fowlers Yard. It was explained that works had been carried out to the rear elevation in the past and the application included some aspects that would seek to address some of the issues with the rear elevation.

The Committee noted no objections from the Highways Section in terms of the application, having no parking provision. It was noted the City Centre site was a sustainable location with good access to transport links and facilities. It was added that cycle parking provision had been included following negotiations. Members noted that the Design and Conservation Team had no objections, and an element of retail being retained at ground level was of benefit.

The Team Leader - Central and East noted Durham University had been approached in terms of the need for additional student accommodation, however, no response had been received. It was explained there had been representations from the City of Durham Trust and the Neighbourhood Planning Forum in respect of cycle parking provision and loss of retail provision. It was reiterated that cycle parking had been negotiated and that some retail had been retained.

It was noted that the proposal was for self-contained apartments, not the usual bedrooms with shared facilities and while normally there would be considerations as to whether additional student properties would affect the balance of communities in terms of student and family properties, as this site was within the City Centre, there were not very many C3 use family homes in the area.

The Team Leader - Central and East noted in respect of the Listed Building consent the application was designed to enhance the Listed Building and the Conservation Area and that the alterations proposed were entirely in keeping with the quality and design in the area. It was noted that the planning application and Listed Building Consent were therefore recommended for approval.

The Chairman noted no registered speakers and therefore asked Members of the Committee for their comments and questions on the application.

Councillor D Freeman noted the Council's Interim Policy on Student Accommodation and its position in terms of Purpose Built Student Accommodation (PBSA). He added that the Committee were aware that the current existing, agreed and proposed provision of PBSA already met the demand for student accommodation and therefore he could not see how the need for this application had been demonstrated. Councillor D Freeman noted that he felt that there was negative impact upon the retail aspect and while some retention was welcome, it was still less than the previous Post Office use. He noted that Silver Street did not have many empty properties and he felt that, whilst the applicant had this application in mind, good marketing could secure a better use. He therefore proposed that the application be refused and that people worked to get a better application back in the future.

Councillor J Clark noted that PBSAs usually included an on-site presence and a management plan and asked if there was no need given the self-contained nature of the proposed units. The Team Leader - Central and East confirmed this was the case. Councillor J Clark noted this and applauded the applicant in terms of the honest approach setting out that the application was clearly for student use upfront. She added that the retention of some retail was good, adding she felt given the depth of the building that it would likely prove difficult to try and find a larger retail use. Councillor J Clark noted she proposed that the applications be approved.

Councillor D Brown noted he seconded the recommendations for approval, however, asked whether there could be restrictions in terms of, for example, a fireworks shop being the retail element with the associated risks of this type of business. The Team Leader - Central and East noted that the A1 Class Use covered a multitude of different uses and it would be difficult to condition against a specific use as mentioned. The Chairman noted he felt that would be dealt with in terms of a business being able to secure a fire safety certificate. The Solicitor – Planning and Development noted he tended to agree with the Chairman that there would be regulations governing such activities, outside of planning considerations although he did not have a detailed knowledge of such regulations.

Councillor J Clark proposed that the applications be approved; she was seconded by Councillor D Brown.

RESOLVED

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

f DM/17/01701/FPA - Essington House, Essington Way, Peterlee

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. It was noted the application was for 14 dwellings and was recommended for approval, subject to conditions and s106 Legal Agreements.

The Team Leader - Central and East explained that the site was a former Durham County Council Adult Services building and was within the settlement boundary, with a number of residential developments in the area and more planned for the future.

The Committee were referred to elevations for the proposed house types and noted the single point of access to the site was approved as being to the required standards. It was noted that as the access was steep there was a condition for a handrail to aid access on foot. It was added that the site was considered sustainable, with access to the Town Centre, shops, schools and other facilities. It was reiterated that there were no objections from the Highways Section and that the Tree Officer was happy with trees to be retained and protected by condition. Members noted no objections from the Ecology Officers given the mitigation in terms of EU protected sites on the coast, as set out in a s106 agreement.

The Team Leader - Central and East noted it had been noted that the scheme had been determined as being unviable should contributions towards play equipment have been greater than the old Easington District tariff of £500 per dwelling. It was added there had been no objections from neighbouring properties or the Parish and Town Councils.

The Chairman noted no registered speakers and therefore asked Members of the Committee for their comments and questions on the application.

Councillor J Clark asked whether the other building was still in use by the Council/Pathways and sharing the access. The Team Leader - Central and East noted he thought it was still in use. Councillor J Clark noted that there was a footpath access to the site and asked if that was to be retained. The Team Leader - Central and East noted he could check as regards this matter. Councillor J Clark noted that if this was the case then it would be an additional pedestrian access and she noted, having previously worked at the site, that the number of cars associated with the proposed development would be less than when the building was in operation.

Councillor J Clark proposed that the application be approved; she was seconded by Councillor O Temple.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions as detailed in the Officer's report to the Committee.

6 Appeal Update

The Team Leader - Central and East noted that an Appeal against the refusal to grant planning permission for the erection and display of non-illuminated fascia sign (DM/17/00724/AD) at 14 West Terrace, Coxhoe had been dismissed by the Planning Inspectorate.

It was added the appeal had been dealt with by way of written representations and an unaccompanied site visit, and the Inspector had dismissed the appeal as it was considered to cause harm to the visual amenity of the area.

RESOLVED

That the appeal decision update be noted.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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|--------------------------------------|---|
| APPLICATION NO: | DM/17/01903/FPA |
| FULL APPLICATION DESCRIPTION: | Alterations to the existing rooftop terrace (amended proposal reducing the footprint of the retractable roof) |
| NAME OF APPLICANT: | Revolution Bars Group |
| ADDRESS: | The Bishop Langley, North Road, Durham |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| CASE OFFICER: | Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing but vacant building located immediately adjacent to Framwellgate Bridge, North Road, Durham. The building is spread across 2 floors but also includes an open roof terrace to the upper floor and is accessed via the adjacent bridge. It is set within the commercial centre of Durham City and is bounded by commercial properties to the north and west, by residential units to the south and by the River Wear and Durham Castle and Cathedral to the east. As such the building falls within the setting of Durham Cathedral UNESCO World Heritage Site (WHS), Durham (City Centre) Conservation Area and an adjacent Grade I Scheduled Ancient Monument.
2. Whilst the building is currently unoccupied it has a lawful use as a public house (previously known both as The Bishop Langley and the Coach and Eight) and is understood to have operated under several different tenants recently but that none have been able to occupy the building for any significant period of time. The building is currently being offered for let.

The Proposal

3. The applicant, Revolution Bars Group, is interested in occupying the building under the existing A4 use and as such are seeking planning permission for the erection of a retractable roof structure to part of the existing roof terrace at the former Bishop Langley public house, North Road, Durham. This is in order to enclose part of the terrace to allow a more intensive year round use and is understood to be fundamental to the viability of the continued A4 use and the applicant's occupation of the building. Whilst the proposal previously included external extraction/ventilation equipment, this element has since been removed from the scheme.

4. The scheme has been amended since its original submission in order to reduce the extent of the footprint occupied by the roof and as such the structure (when fully extended) would cover an overall footprint of around 175sq metres (approximately 13 metres by 13 metres) and have a dual pitch roof to an overall height of 3 metres. It would be constructed from a lightweight aluminium frame with glazing to the walls and a membrane to the roof.
5. In all other respects the existing use of the building as a public house would remain unaltered. There is an anticipation that some signage would be required but this does not form part of the current application which relates only to the installation of the retractable roof.
6. The application is being reported to planning committee at the request of Cllr Freeman who is the Local Councillor for the ward and considers the impact upon the WHS, Durham City Centre Conservation Area and residential amenity to be such that the application should be considered by planning committee.

PLANNING HISTORY

7. Planning permission was previously granted in 2005 for alterations to the existing roof terrace including the provision of 8 No. Canopies, new railings, new terrace, access and planters and for the installation of various signage.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 1 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 2: Ensuring the Vitality of Town Centres*: Local Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
12. *NPPF Part 4 Promoting Sustainable Transport*: Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 7 Requiring Good Design*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
15. *NPPF Part 12 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

City of Durham Local Plan

16. Policy E3: World Heritage Site – Protection which seeks to protect the World Heritage Site and its setting by restricting development to safeguard local and long distance views to and from the cathedral and castle and peninsula and applying the requirements of policy E6, E22 and E23 of the plan relating to conservation areas and archaeological remains.
17. Policy E6: Durham City Conservation Area states that the special character, appearance and setting of Durham City Conservation Area will be preserved or enhanced.
18. Policy E22: Conservation Areas states that the Council will seek to preserve and enhance the character or appearance of the conservation areas within the City of Durham.
19. Policy E23: Listed Buildings states that the Council will seek to safeguard listed buildings and their setting.
20. Policy E24: Ancient Monuments and Archaeological Remains states that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ.
21. Policy Q1: General Principles – Designing for People states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate: personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
22. Policy Q2: General Principles – Designing for Accessibility states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

23. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Historic England offered updated comments after the scheme was amended during the course of the application in which they confirm that the revised proposal would have a minor impact upon the World Heritage Site (WHS), and that this would need to be considered against the requirements of paragraphs 132 and 134 of the NPPF which asks for clear and convincing justification for any harm to heritage assets, and for the harm to be weighed against the public benefits of the proposal.

INTERNAL CONSULTEE RESPONSES:

25. Environmental Health Section has no objection to the application subject to conditions controlling hours of use, prohibiting the playing of live or recorded music until such time as a further noise impact assessment has been submitted to and agreed in writing by the Local Planning Authority. In addition a condition is also advised requiring the submission of a verification report post development to demonstrate that the noise levels anticipated have been achieved. Concerns are still raised regarding the omission of the extraction equipment previously included and the use of the existing plant to service the larger kitchen. However, it is noted that the existing use and associated ventilation equipment is lawful and is not subject to any planning control.
26. Design and Conservation Section offers no objection to the application after the proposal was amended to reduce the extent of the area enclosed by the proposed roof. The amendment effectively pulls the structure back from the boundary to the street and bridge, and would draw it partially out of the sightlines in those views towards the WHS from the North Road/Framwellgate Bridge junction. It would therefore now be less intrusive and would not be as distracting in the visual experience of the WHS from this location which is given the greatest weight. In terms of views from the bridge it would still intrude to some degree but as it no longer immediately abuts the bridge its dominance and intrusiveness would be reduced. Its impact would be at a localised level as following just a short walk onto the bridge the structure would be behind the viewer so would not interfere with the view of the WHS in this respect. The inclusion of planning conditions requiring specification/technical data from the appointed manufacturer is advised to be provided and could be subject to agreement via planning condition.

27. Archaeology Section has no objection to the application.

NON STATUTORY CONSULTEE RESPONSES:

28. World Heritage Site Co-Ordinator considers that despite amendment, the scheme would still have a negative impact and cause substantial harm to the Durham Cathedral and Castle World Heritage Site and its approaches, and as such raises objection to the application.

29. City of Durham Trust raise objection to the application noting that the key to any acceptable planning application for this building lies in its unique position, in full view of the World Heritage Site on the opposite bank of the river. A tidying-up of the roof area of the former public house is to be welcomed, but the present proposal for what is, in effect, an additional storey to the building is not an acceptable solution being unacceptable in terms of height, design and materials. As a consequence, in policy terms it infringes both NPPF and saved Local Plan policies E3, E6, E21, E22 and E24.

PUBLIC RESPONSES:

30. The application has been publicised by way of site notice, press notice and notification letters to neighbouring properties. Two letters of objection have been received from interested parties and the objections summarised as follows;

- a) Adverse impact upon designated Heritage Assets including the UNESCO World Heritage Site, Durham City Conservation Area and Scheduled Ancient Monument.
- b) Adverse impact upon the amenity of surrounding residents from noise, odour and disturbance.
- c) Insufficient space provided within the site to adequately accommodate appropriate bin storage.

One letter has been received from the occupier of an adjacent office which although not offering objection to the application notes the application presents an opportunity to improve the current access as the adjacent office accommodation has been confused for the access to the public house by patrons. In addition they also note the opportunity to improve bin storage arrangements which presently has vermin (rat) problem which has been reported to the Council's Environmental Health Section.

APPLICANTS STATEMENT:

31. The applicant, Revolution Bars Group, are a well-established and popular nationwide bar operator who have been operating for circa 25 years and now trade from approximately 70 sites across the UK. Throughout this time, they have developed a strong reputation for well run and managed establishments; they have won many operating awards over the years, including the multiple operator award and numerous Bar None awards.

Revolution have been actively seeking premises in Durham for some time, and are keen on the vacant Bishop Langley site thanks to its prominent location and outstanding views across to the Castle. Terms have been agreed with the landlord, subject to Revolution obtaining a planning consent to satisfy their operational requirements. This essentially relates to the installation of a retractable roof structure to tidy up the longstanding, existing roof terrace and to provide the area with coverage from the elements as required such that it can provide a more pleasant casual dining and drinking area, maximising the views across to the Castle.

If the applicant is successful in securing the site, they would invest a substantial sum in refurbishing and transforming the building - which has sat vacant and unused since 2016 – therefore making a long term commitment to the City of Durham and ensuring the viability and future occupancy of this empty, prominent property.

The applicant has worked closely with the Council's planning and conservation officers to ensure the design of the proposed roof structure is appropriate. It will enhance the appearance of the currently cluttered and untidy roof terrace, and will make a more efficient use of the building as a whole, providing customers with a well-run casual dining and drinking venue in a prominent location – as such enhancing the City Centre's overall offer to both local residents and tourists alike, and making efficient use of a prominent vacant building which could otherwise lay empty indefinitely.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact upon designated heritage assets including Durham Cathedral and Castle UNESCO World Heritage Site, Durham City Conservation Area and an adjacent Scheduled Ancient Monument and the amenity of nearby residential occupiers.

Principle of Development

33. The existing building is well established as a public house falling within Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended and its use in this regard is lawful across all three floors, including the existing roof terrace upon which the erection of 8 No. canopies was granted planning permission in 2005. Whilst this permission does not appear to have been implemented the area nevertheless remains available for use, although given its exposure to the elements it is unlikely to be used extensively in this way.
34. The introduction of the proposed structure in order to enclose part of the existing terrace would allow a more concentrated and year round use of this part of the building and is understood to be fundamental to the viability of the building's continued A4 use and occupation by the applicant. Given the structure would be used in association with an existing use, which is itself typical of city centre locations, the installation of the retractable roof is considered acceptable in principle subject to proper consideration of its impact upon designated heritage assets including the UNESCO World Heritage Site, Durham City Conservation Area and an adjacent Grade I Scheduled Ancient Monument along with the amenity of surrounding occupiers, both commercial and residential.

Design, appearance and the impact upon Durham Cathedral Heritage Site, Durham Conservation Area and Grade I Scheduled Ancient Monument

35. The site occupies a prominent location within the setting of the Durham Cathedral and Castle WHS, Durham (City Centre) Conservation Area and immediately adjacent to the western end of Framwellgate Bridge which is a Grade I Scheduled Ancient Monument. The area is a key gateway to the historic centre of the city and forms the main pedestrian route linking the public transport services of the Bus Station and Railway Station at the top of North Road, across the River Wear to the Peninsula.
36. As such policies E3, E6 and E22 of the City of Durham Local Plan are relevant and require new development to preserve or enhance the special character, appearance and setting of the World Heritage Site and Durham City Centre Conservation Area through restricting development which does not safeguard local and long distance views to and from the cathedral and castle, ensuring the use of appropriate materials and robust shapes in new buildings with a clear prominence of wall surface over openings and the use of simple roofs which do not create long or continuous ridge or eaves lines and which do not include reflective surfaces such as glass. Policy E24 relates to ancient monuments and seeks to preserve remains of national importance in situ and those of regional and local importance in situ only where possible, and where this is not justified requiring an archaeological programme of archaeological investigation, recording and publication via condition.
37. This approach is considered to display a broad level of accord with the aims of paragraph 132 of the NPPF which states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. At paragraph 134 the NPPF goes on to note that where a development proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
38. The impact of the site on the significance of the assets identified in this instance is drawn from a number of contextual factors, namely its position within the setting of Durham Cathedral and Castle WHS, as a component of the designated conservation area, in which it occupies a key gateway and riverfront location with a strong visual reach that also marks a point of arrival into part of the city of differing character and its position within the setting of the adjacent Grade I Scheduled Ancient Monument at Framwellgate Bridge.
39. Two local residents, the City of Durham Trust and the World Heritage Site Co-Ordinator raise objection to the application citing the impact of the proposal upon the WHS, Durham City Centre Conservation Area and Grade I Scheduled Ancient Monument. Notwithstanding these objections it is noted that Historic England and the Council's Design and Conservation Officer offer no objection to the application noting the need to weigh any harm caused as a result of the development against the public benefits (as required by paragraphs 132 and 134 of the NPPF).
40. The scheme has been amended since its original submission and the extent of the proposed enclosure reduced in footprint to 175sq metres from 234sq metres. This would bring the northern elevation of the structure in line with the existing gable of Bridge House which forms a logical end-stop to the proposed structure which would pull it back from the boundary to the street and bridge, drawing it partially out of the sightlines in those views towards the WHS from the North Road/Framwellgate Bridge junction. The result would be a less intrusive structure which would not be as distracting in the visual experience of the WHS from this location which is given the greatest weight in terms of impact. In terms of views from the bridge it would still intrude to some degree but as it no longer immediately abuts the bridge its dominance and intrusiveness would be reduced. Its impact would therefore be at a localised level as following just a short walk onto the bridge the structure would be behind the viewer so would not interfere with the view of the WHS in this respect.

41. In terms of harm the Council's Design and Conservation Officer considers this to be less than substantial with Historic England taking the view that the development would have only a minor impact. With regard to public benefits (and consideration of these weighed against the harm) there would be some notable positives in terms of job creation, the positive reuse of a building which is currently vacant and situated within a prominent location with the city centre and consequential contribution this would have upon the vitality of the city centre.
42. Despite the concerns raised by interested parties it is considered that the benefits of the proposal would outweigh the limited harm and the development is considered acceptable when applying the requirements of paragraph 134 of the NPPF. In addition, it is considered that the proposal would accord with the aims of policies E3, E6 and E24 of the City of Durham Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that it would preserve the special character, appearance and setting of the Durham Castle and Cathedral WHS and the surrounding Durham (City Centre) Conservation Area. However, planning conditions are advised to require the submission and specification details/technical data from the appointed manufacturer to be provided and agreed prior to commencement to secure as slender and light weight a design as possible and to ensure the quality of the final construction.

Impact upon the amenity of adjacent occupiers

43. The site is bounded by both residential units and commercial offices to the south and west respectively and whilst the proposal originally included external ventilation equipment to the building's southern elevation, this has since been removed from the scheme.
44. Paragraph 123 of the NPPF requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
45. Objection has been received from two local residents that raise concern regarding the impact of the additional noise from extraction equipment which they consider would worsen an already unacceptable situation given the existing equipment generates a high level of noise and disturbance.
46. Whilst the external extraction equipment has been removed from the scheme a Noise Impact Assessment has been submitted in support of the application assessing the impact of the proposed retractable roof. This assessment although robust in its methodology considers only the impact of persons speaking during the day and does not including the playing of music or any night time use. It is noted that both activities would likely increase potential impact in this regard.
47. The Council's Environmental Health Section has no objection to the application noting that whilst allowing the intensification of the use of the terrace the structure would not result in any increase in noise and would likely effect an overall reduction in terms of noise impact to that which is currently possible. However, as the submitted Noise Impact Assessment does not include any assessment of the playing of music, considering only the impact of persons speaking during daytime hours, conditions are advised which restrict the hours of use to between 09:00 to 23:00 Monday to Sunday and prohibit the playing of live or recorded music within the terrace until such time as an updated noise impact assessment has been submitted to and agreed by the Local Planning Authority which includes appropriate mitigation. A condition is also advised requiring the completion and submission of a verification report post development in order to demonstrate that the anticipated noise levels have been achieved.

48. Although offering no objection to the application the Council's Environmental Health Section considers that whilst the existing kitchen extraction equipment and its operation in association with the existing A4 use is not subject to planning control (and therefore not a material consideration in determination of this application), nevertheless raises concern regarding this arrangement as the equipment appears to discharge at low level, equal to that of neighbouring residential windows and does not appear to have any odour abatement measures included within it. The suitability of the equipment is therefore questioned and in the event that this is not suitable to control noise and odour in line with relevant guidance, then it is likely that this will generate complaints and a potential statutory nuisance subsequently identified. Should this be the case, then formal action could be taken through statutory nuisance legislation to ensure any nuisance was appropriately abated, which can be more costly to achieve retrospectively, more so than carrying out the works as part of any refit of the building as a whole.
49. Notwithstanding the above, subject to the inclusion of planning conditions stated, the proposal is considered to accord with the requirements of paragraph 123 of the NPPF in that it would not have any adverse impact upon the residential amenity of surrounding occupiers.

CONCLUSION

50. The current building benefits from an existing and well established A4 use which includes use of the existing roof terrace. The installation of the retractable roof would allow better use of this area and secure the reoccupation of a building which is currently vacant and has been for some time, creating employment opportunities and providing a notable contribution to the vitality of the city centre, taking place in the context of other development along this part of the City Centre fronting the riverside.
51. The site lies within the setting of the WHS, within Durham (City Centre) Conservation area and immediately adjacent to a Grade I Scheduled Monument and as such any harm to these assets should be weighed against the public benefits of the scheme as required by paragraphs 132 and 134 of the NPPF. Whilst the development would have some limited impact upon the WHS, Durham (City Centre) Conservation Area and adjacent Grade I Scheduled Monument this is considered to be less than substantial and as such the public benefits of the scheme, comprising the positive re-use of the building, the contribution this would have upon the vitality of the city centre and the job creation, are considered to outweigh any harm.
52. Whilst acknowledging there would be some limited adverse impact upon the heritage assets identified, contrary to the aims of policies E3, E6 and E24 of the City of Durham Local Plan and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, this is considered to be such that it would be outweighed by the public benefits as previously described.
53. In relation to its impact upon the amenity of surrounding occupiers the retractable roof would not have any adverse impact subject to the imposition of appropriate planning conditions restricting the times of use, the playing of music and requiring the submission of a verification report post development in accordance with the requirements of paragraph 123 of the NPPF.
54. Whilst the objections and concerns raised by local residents, the WHS co-ordinator and the City of Durham Trust are noted and have been taken into account, they are not considered sufficient in this instance to sustain refusal of the application.

RECOMMENDATION

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

1. The development hereby approved 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:

| Drawing No. | Description | Date Received |
|-------------|-------------------------------|---------------|
| 17159 | Location Plan | 08 June 2017 |
| | Proposed Plans and Elevations | 01/12/2016 |

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

3. No development shall commence until precise specification details/technical data from the appointed manufacturer for the retractable roof hereby approved is submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure a slender and light weight design and ensure the quality of the final construction to protect the character and appearance of the surrounding conservation area in accordance with the requirements of Policy E6 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

4. No live or recorded music shall be played within the glass roof/terrace until such time as an updated noise impact assessment has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall include appropriate mitigation measures to attenuate the impact of noise from music upon the nearest noise sensitive premises with the roof open or closed and any mitigation identified implemented prior to any music first being played or performed.

Reason: In the interests of residential amenity in accordance with the requirements of paragraph 123 of the NPPF.

5. The structure hereby approved shall only be open for use and occupied between the hours of 09:00 to 23:00 Monday to Sunday, including Bank and public holidays.

Reason: In the interests of residential amenity in accordance with the requirements of paragraph 123 of the NPPF.

6. Within 28 days of the completion of the development a validation report shall be completed and the results submitted to the Local Planning Authority. The aim of the report shall be to demonstrate that the noise level arising from the terrace is no more than 53db (LAeq 1 hr) with the roof retracted and 46db with the roof closed. Should the report confirm that the required levels cannot be achieved, appropriate mitigation measures shall be submitted to and approved by the Local Planning Authority, and shall subsequently be implemented in accordance with a timescale to be agreed with the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the requirements of paragraph 123 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

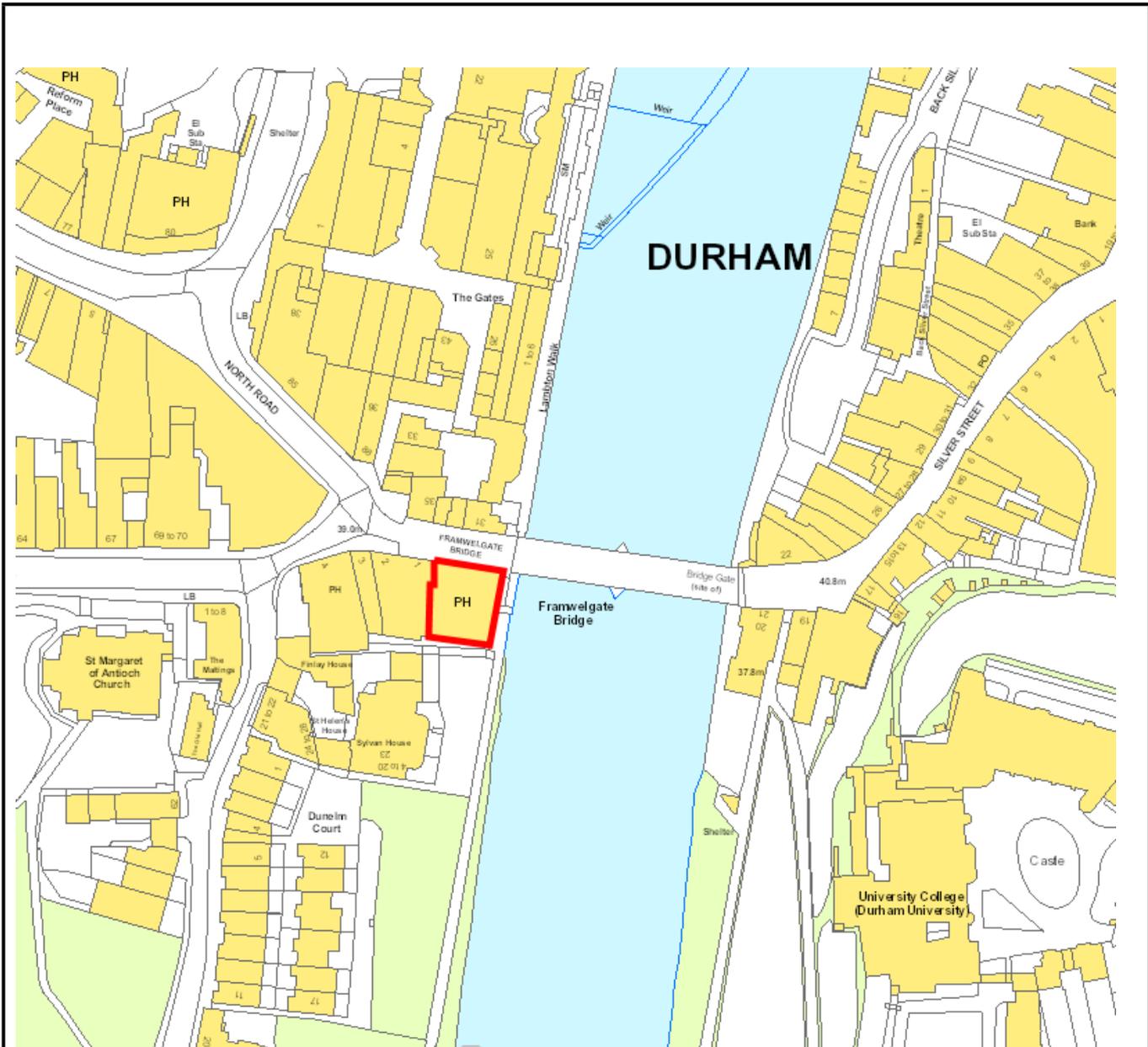
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

City of Durham Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Alterations to the existing rooftop terrace
(amended proposal reducing the footprint of
the retractable roof)

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Comments

Date 09/01/2017

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | DM/17/02606/FPA |
| FULL APPLICATION DESCRIPTION: | New multimedia facility and reconfiguration of car park provision |
| NAME OF APPLICANT: | Mrs Ellen Beveridge |
| ADDRESS: | Durham Sixth Form Centre, The Sands, Durham, DH11SG |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| CASE OFFICER: | Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This site is situated on the northern edge of Durham city centre within the 2.9 Hectare estate of Durham Sixth Form Centre, a post 16 education campus. The site occupies a prominent location within Durham (City Centre) Conservation Area fronting Freeman's Place and the riverside with its rear elevation prominent on the west side of Providence Row. The sites surroundings are mixed in use and character with domestic Victorian terraces to the east and the modern Walkergate Development comprising of hotel, apartments and leisure facilities adjacent to the south. To the west is a large public car park adjoining which is the green open space of The Sands.
2. The main Sixth Form Centre building first appears on the Ordnance Survey map circa 1923 and since this time a number of extensions have been added mainly during the 1950s and 1970s. In view of its age it is not of historic significance; nevertheless it is a characterful building with much detailing that is prominent in the locality and is considered a positive contributor to the designated conservation area.

Proposal:

3. This application proposes a new multimedia building within the grounds of the existing sixth form centre and the reconfiguration and upgrading of the existing car park areas. The building would have a flat roof with a feature parapet and would be two storeys; it would be constructed of a grey and buff facing brick with render panelling. A separate application has recently been approved under delegated powers in order for works to begin the reconfiguration of the car park at an earlier date although this is again included within this application.

4. The existing car park would be upgraded, whilst a new car park is proposed to the north of the site replacing the provision for parking spaces lost as a result of the new building. There would be 34 spaces in total including 2 no accessible bays positioned near the main reception. The current car park provides 32 spaces. As noted above, the car park element of this application has already been approved under delegated authority but also forms part of this application.
5. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

6. DM/17/03143/FPA – Reconfiguration of car parks, Approved.

PLANNING POLICY

NATIONAL POLICY:

7. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change*. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

City of Durham Local Plan

13. 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.
14. Policy E14 - (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site
15. Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
16. Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
17. Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
20. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

RELEVANT EMERGING POLICY:

The County Durham Plan

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. The Environment Agency initially raised objections to the Flood Risk Assessment, however this has since been updated and is now considered satisfactory.

INTERNAL CONSULTEE RESPONSES:

23. Tree and Landscape officers have no objections subject to conditions requiring the implementation of a landscaping scheme and suitable tree protection.

24. Design and Conservation officers have no objections subject to a condition requiring samples of materials.

25. Archaeology officers require a condition relating to a written scheme of investigation and a watching brief.

26. Highways officers have no objections stating that the site is in a highly accessible location with a significant amount of off street private and public parking within the vicinity.

PUBLIC RESPONSES:

27. Northumbrian Water require the development to be carried out in accordance with the updated Flood Risk Assessment.

APPLICANTS STATEMENT:

Context

28. Durham Sixth Form Centre is the largest post-16 school in the North East of England, with approximately 1,300 students on roll. It is situated in the centre of Durham City, a couple of minutes walk from both the bus and railway stations.

29. Students generally enrol at Durham Sixth Form Centre from over 50 different secondary schools from across County Durham, Sunderland and Northumberland. This not only adds value to the local economy of Durham City but embraces the educational tradition and student culture of the city; one of the top university cities in the country. In March 2017, Her Majesty's Inspectors graded Durham Sixth Form Centre as 'outstanding' following a rigorous two day Ofsted inspection. Not only did they judge Durham Sixth form Centre as 'outstanding' for 'Overall Effectiveness' but also 'outstanding' for 'Student Outcomes'; the 'Quality of Teaching, Learning and Assessment'; 'Personal Development, Behaviour and Welfare'; and the 'Effectiveness of Leadership and Management'.

In 2017 students outcomes are summarised below:

- 100% pass rate for the sixth consecutive year.
- Three quarters of students achieved A*-B grades (or equivalent).
- The best three A-levels expressed as a grade B.
- Average Point Score (APS) per entry for both academic and vocational cohorts is higher than the national average.
- Vocational results continue to be significantly above national benchmarks with students attaining, on average, the highest possible grade of a Distinction*.
- Add value to both Academic and Vocational students as they achieve, on average, higher than predicted grades based on their KS4 starting point.

Most of Durham Sixth Form Centre's students continue their studies at university; some take up employment or high-level apprenticeships; others stay on to Year 14 studying Level 4 courses. The award-winning Careers Information Advice and Guidance team are instrumental in supporting students with their post-18 progression pathways.

Purpose

30. Through sustained effort, and a clear focus and direction, Durham Sixth Form Centre is a truly embracing and dynamic organisation which is committed to promoting the principles of equal opportunities, aspiring to an environment where all students and employees can develop their potential. There is a strong professional development programme which has led to the achievement of CPD Mark accreditation, Investors in People, Investors in Careers and Governor Mark. The school operates according to values which we feel help to determine the culture, ethos and atmosphere. As a Local Authority Maintained school Durham Sixth Form Centre has proved to be a rich, diverse, 'jewel in the crown' for Durham City for both children and their parents from across the Durham County. At a time when nationally post-16 funding is at a low; there is a reduction in the breadth of sixth form curriculum; and in some cases sixth forms in schools are being forced to close; Durham Sixth Form Centre is bucking the trend but it is now time for leaders to rationalise spending and resource management and avoid complacency.

31. In 2013, Durham Sixth Form Centre celebrated its Centenary year; housed in a 1913 former Girls' Grammar School, which was purpose converted to Sixth Form accommodation in 1983. In addition to the original building, there is now a Science Block; a 210 seated Theatre; a Resource Centre; Visual Arts Centre and Freeman's Quay Leisure Centre (DCC owned on site). In order to house and deliver a curriculum which captures both breadth and depth for 1,300 students, Durham Sixth Form Centre, at great cost, privately rents a building adjacent to the River Wear. This is a 10 year agreement which was inherited by the existing Headteacher from the post holder at the time. It is the schools intention to end the private rental agreement on completion of the new build to reduce outgoings.

32. The school also delivers lessons in demountable classrooms on site, again at great cost through a rental company. This is an annual agreement with an annual renewal. It is the schools intention to end the private rental agreement on completion of the new build to reduce outgoings. In addition, Durham Sixth Form Centre has secured funding via the Wolfson Foundation to support the setup of a TV studio in the new build. It is hoped, in time, this can become a community resource and that the facilities of the new build, which include a TV studio, editing suite, recording room, IT facilities, training/conference facility and a modest cafe can be embraced by the local community outside of school hours. Given the city centre location and that some community work already exists at the school it is anticipated this will add further value and opportunity to the locality.

33. It is important for students to know that alongside the heritage and resource of the 1913 building that there are also opportunities to be taught in a state of the art modern building that encaptures their imagination and desire to progress further. This, alongside the regeneration of the riverbanks where Durham Sixth Form Centre is situated appears ideal timing to rationalise the school's buildings.

Timescales

34. It is anticipated at this stage, with the support of DCC, that current students in Year 12 will have the opportunity to be taught in this exciting, stimulating environment. The ambitious timescales would suggest this could be as soon as September 2018.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on the street scene and conservation area and highways issues.

Principle of the development

36. The importance of this new educational facility for Durham Sixth Form, for the City and for the wider area is acknowledged and appropriate weight must be attached to its importance.

37. The educational use is well established on this site and the Sixth Form has operated there for around 35 years. The proposed building is located within the existing complex and has good linkages in terms of public transport and to the city centre. The development has been designed to have minimal impact upon its landscape setting and to ensure that its impact is limited. The Sixth Form site is physically clearly contained and accessible via a variety of means, therefore the choice of the application site is both logical and appropriate. The principle of the development for educational purposes on this site is acceptable and would assist with the wider aims of the Authority and the County as a whole.

Impact on the street scene and conservation area

38. The application should be determined in accordance with the National Planning Policy Framework (NPPF) and saved City of Durham District Local Planning Policies, the following are considered relevant to the consideration of this application from a heritage and design perspective; NPPF Section 12 Conservation and Enhancement of the Historic Environment, and saved local planning policies E6 Durham (City Centre) Conservation Area, E22 Conservation Areas.
39. Consent is sought for the construction of a new detached multimedia educational building and associated reconfiguration of the existing car parking provision at Durham Sixth Form Centre, The Sands, Durham City. As noted above, the site occupies a prominent location within Durham (City Centre) Conservation Area fronting Freeman's Place and the riverside with its rear elevation prominent on the west side of Providence Row. The main Sixth Form Centre building is a characterful building with much detailing that is prominent in the locality and is considered a positive contributor to the designated conservation area.
40. The contemporary architectural solution would be considered to integrate successfully into the wider contextual framework while reading as a further evolution of the college campus site. This is primarily due to the proposed buildings positioning within the south east corner of the site situated to the rear of Freemans Quay Leisure Centre and set back to the side of the later additions to the principle sixth form centre building. Its orientation and form respond to the site and its constraints while allowing for a reduced façade to be presented to the large open playing field. The height is appropriately restrained and guided by the existing built form; the development effectively bridging the gap between the lower-scaled educational buildings to the north and the larger leisure centre ensuring that it would not be too dominant.
41. The design follows the existing trend for new building designs within this part of the city centre with its aesthetic a product of its end use yet displaying a degree of individuality, quality and interest. The glazing is well patterned creating a strong rhythm; it includes a well-defined and angulated feature entrance, projecting elements, and curtain walling to provide a lighter counterpoint, while the use of materials of contrasting colours would aid articulation and visual interest.
42. In terms of heritage impacts; the siting and scale means that the building would not significantly intrude within public views of the historic main school building. From outside the college site it would have a limited visual impact due to the topography and high shielding provided by the existing built form, plus where visible it would be seen more in the context of the existing contemporary buildings of the leisure centre, hotel and apartment's block forming part of the Walkergate development. The above would result in a building that is in keeping with its immediate modern surroundings that will serve to cause no adverse effects upon the character, appearance or significance of the designated conservation area.
43. Tree officers have accepted the loss of a very small amount of trees and agreed with the submitted arboricultural assessment and tree protection scheme which would be conditioned. In addition, a further landscaping condition would ensure appropriate tree replacement.

44. In summary, it is concluded that the proposed development would be acceptable in terms of siting, scale, mass and design and would cause no adverse heritage impact. As such the application is considered to be in-line with Sections 7 and 12 of the NPPF and saved local planning policies E3, E6, E21 and E22. It is also in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the development to preserve or enhance the Conservation Area. A condition requiring materials samples would be required.

Highways issues

45. Highways officers have stated that the proposed development is in a highly accessible and sustainable location for additional education facilities. It has good links to all city centre amenities and public transport facilities with a significant amount of off street private and public parking within the vicinity. The existing car park would be upgraded, whilst a new car park is proposed to the north of the site replacing the provision for parking spaces lost as a result of the new building. There would be 34 spaces in total including 2 no accessible bays positioned near the main reception. The current car park provides 32 spaces.

46. Highways officers have no objections to the current access arrangements, proposed level of parking provision or location and therefore consider the proposals acceptable from a highways point of view in accordance with saved policy T1 and part 4 of the NPPF.

CONCLUSION

47. This proposal would result in an important education facility which would add to the existing facilities at Durham Sixth Form Centre. The site is in a highly sustainable location with good links to public transport and amenities in the city centre. The building has been designed to a high standard within the existing complex and there would be no adverse impacts on any surrounding occupiers or the Conservation Area. Overall the proposals are welcomed and would be of much benefit to the city and surrounding area. The application is therefore recommended for approval.

RECOMMENDATION

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

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

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

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

Location Plan 0004
Site Boundary - Red Line 0001 Rev A
Site Tree Plan removal/replacement 0002 Rev E
Proposed Site Plan 0003 Rev J
Proposed soft landscaping plan 0006 Rev C

GA floor plans 1000 Rev I
Roof Plan Overview 1013 Rev D
Elevations 2000 Rev I
Sections 3000 Rev H
Flood Risk Assessment Additional Information dated November 2017.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 and 12 of the National Planning Policy Framework and saved policy Q8 of the City of Durham Local Plan.

3. The development hereby approved shall be carried out in accordance with the "Arboricultural Method Statement for Trees at Durham Sixth Form Centre, Durham City" by All About Trees Issued 26th July 2017. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated in the agreed tree protection scheme as to be retained, are protected by the erection of fencing in accordance with BS.5837:2012. The fencing shall remain in place throughout the construction period of the works hereby approved.

Reason: In the interests of the visual amenity of the area and to comply with the National Planning Policy Framework part 11.

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

Reason: In the interests of the appearance of the area and to comply with saved Policy Q8 of the City of Durham Local Plan and part 7 of the NPPF.

5. The agreed landscaping scheme shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies E6 and Q8 of the City of Durham Local Plan and part 7 of the National Planning Policy Framework.

6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.

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

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

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

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

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

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

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

8. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by EPS issued 16th November 2017.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with part 10 of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until such time as a scheme to maintain the void beneath the proposed building has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be fully implemented and subsequently maintained in perpetuity.

Reason: To ensure the volume of floodplain storage provided by this void does not diminish over time by silting up or other accumulation of debris in accordance with part 10 of the National Planning Policy Framework.

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

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

Details of methods and means of noise reduction

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

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

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

Reason: In the interests of residential amenity in accordance with saved policy Q8 of the City of Durham Local Plan.

11. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of residential amenity in accordance with saved policy Q8 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

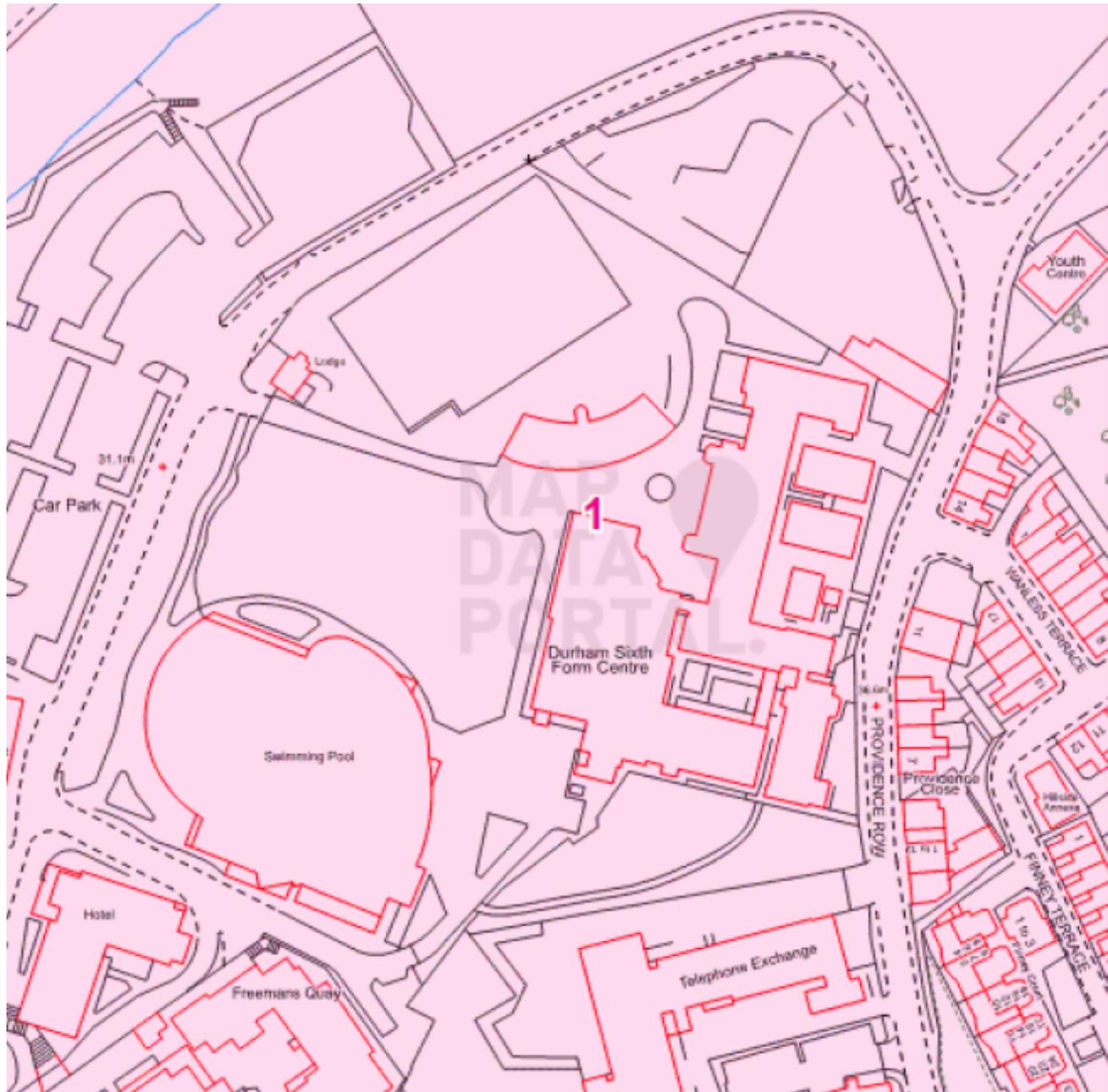
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

City of Durham Local Plan




Planning Services

New Multimedia Building, Durham Sixth Form

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Comments

Date January 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | DM/17/03046/FPA |
| FULL APPLICATION DESCRIPTION: | 14 Dwellings |
| NAME OF APPLICANT: | Mr Glyn Jones |
| ADDRESS: | Former Murton Victoria Club, Church Street, Murton |
| ELECTORAL DIVISION: | Murton |
| CASE OFFICER: | Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958 |

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is located within the settlement boundary of Murton and is currently the site of Murton Victoria Social Club, a derelict building which is in the process of being demolished. To the north are residential properties across Church Street which is the main road running through Murton, to the east, south and west there are also residential properties. The site is located close to shops and community facilities along with links to public transport.

Proposal:

2. This application proposes a residential development along with associated road improvement works. This is a full application for 14 dwellings which would be made up of three blocks of four townhouses and two semi-detached townhouses. The dwellings would be accessed from Church Street to the north and each would have their own private rear garden, bin stores and off street parking. Access to the existing garages to the rear of properties to the south on Grasmere Terrace would be retained.
3. The dwellings would be two and a half storeys in height and would be three bedroomed. It is proposed to construct them of traditional roof tiles and facing brickwork with a front dormer covered in metal cladding and a glass Juliet style balcony to the rear.
4. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

5. CE/13/01427/OUT – Residential development (outline) Approved.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

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

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

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

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

LOCAL PLAN POLICY:

District of Easington Local Plan

16. *Policy 1* - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

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

18. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

19. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

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

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

22. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

23. *Policy 67* - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

RELEVANT EMERGING POLICY:

The County Durham Plan

24. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. None received.

INTERNAL CONSULTEE RESPONSES:

26. Highways officers have requested and received amended plans. No objections to access, layout and parking provision.

27. Drainage officers have no objection subject to a foul and surface water condition.

28. Environmental Health officers have no objections subject to a condition relating to contaminated land.

29. Ecology officers have noted that the site is within close proximity to the EU protected sites on the coast and have therefore requested appropriate mitigation. The bat risk assessment submitted with the application is acceptable.

PUBLIC RESPONSES:

30. Northumbrian Water have no objections subject to a condition requiring details of foul and surface water drainage.

31. No letters have been received from nearby occupiers.

APPLICANTS STATEMENT:

32. This is the site of the former Murton Victoria Club which has stood empty for many years since the Club ceased trading over 3 years ago and now represents an eye sore in the middle of the village and on the main road that runs through the village. In the intervening period the building has been targeted by local youths for anti-social behaviour and vandalism and most recently a fire that required the attendance of the local emergency services. There has also been evidence of fly tipping on the site. This has brought about an unpleasant site both in terms of its physical appearance for the local residents and of course a risk due to the ongoing anti-social behaviour that despite security efforts has not stopped.

33. Further issues of vermin infestation have blighted the site and again in turn cause issues for the local residents. Given the recent history of the site it is obvious that any development of the site will be a huge improvement for the community as it will rid the locality of the physical eyesore; demolition has in fact already begun on the site, and thereafter any development will bring the following benefits:-

- New housing provision for the area – it is clear that with obvious development in the area in terms of the expansion of the local commercial centre and the other housing development that there is an ongoing need for the provision of housing.

The application includes permission to build a number of low cost houses which in turn should provide housing for low income families of the area and new starter homes. This is perhaps in contrast with some of the houses on the nearby development which are ‘town houses’ and perhaps less desirable for this market.

- Physical enhancement of the main road – the application has been submitted with consideration of the physical appearance of the properties and how they will interface with the main highway that runs adjacent to it. It is submitted that a new housing development will be attractive and continue the regeneration that has begun at one end of the area through into the centre of the village.
- Economic and social demography – with an influx of new local residents brought about by any new development will invariably come an increase in the usage of local provisions and services and continue the general regeneration that has already begun in the area.

34. In the circumstances we would submit that the development would bring about a huge number of benefits to the locality and would ask the committee to grant the permission accordingly.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the development

36. This application proposes a residential development of 14 houses on the site of a former public house which has been vacant for some time and is currently in the process of being demolished. The site lies within the built up area of Murton on the main road which runs through the village in a prominent location. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The District of Easington Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that to the weight to be afforded to Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.
37. The DLP was adopted in December 2001 and was intended to cover a five year period. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. This application proposes a scheme of 14 dwellings with associated access from Church Street in Murton. This site lies within the settlement boundary of Murton as defined in the District of Easington Local Plan and is on a disused site. In planning terms the development of the site for housing would not be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date and therefore the application must be considered in the context of paragraph 14 of the NPPF. Whilst weight can still be afforded to this policy, the weight must be accordingly reduced. This will be discussed in more detail later in this report.
38. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
39. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
40. Saved policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation open space in relation to new housing developments of 10 or more dwellings
41. Saved policy 67 Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
42. Subject to matters of access and layout discussed below, the site has scope to accord with the detailed requirements of saved policy 35 related to design, saved policy 36 relating to access and means of travel, the objectives of saved policy 66 relating to the adequate provision of recreational open space and saved policy 67 relating the re-use of brownfield land.

The NPPF

43. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan without delay; and- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
44. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
45. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
46. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

47. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.
48. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 dwellings per annum (29,127 houses by 2033)
 - 1,629 dwellings per annum (30,951 houses by 2033)
 - 1,717 dwellings per annum (32,623 houses by 2033)
49. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
50. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

51. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
52. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
53. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.
54. Paragraph 14 of the NPPF is engaged because saved Policy 3 is a settlement boundary policy and the evidence which underpins it is out of date. As there are no restrictive policies of relevant, the application must therefore be, approved unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It is appropriate to carry out this balancing exercise after consideration of all other planning matters set out in this report.

Impact upon surrounding occupiers and character and appearance of the area

55. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
56. In terms of the street scene it is considered that the scheme is of a good quality. The scheme was originally submitted showing 3 rows of three storey townhouses with the gable ends facing onto the main road. Officers had concerns regarding this layout and the proposals have since been amended to show three blocks of four townhouses and two semi-detached townhouses which are two and a half storeys rather than three and now have a frontage onto the main road. The development now has an attractive frontage which has the potential to be further improved through an appropriate landscaping plan which would be conditioned.
57. All dwellings would be two and a half storeys in height and all would have their own front and rear garden areas along with an appropriate level of parking spaces, additional visitor spaces would also be provide. The dwellings would be constructed from a mix of brick and concrete roof tiles which is considered appropriate in this location.

58. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.
59. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is currently a derelict site in a prominent village centre location. There would be little or no impact on nearby residents given the distances involved. Having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.

Highways Issues

60. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
61. Highways officers have requested and received amended plans as there were initially concerns regarding the access, layout and level of parking provision. Officers have commented that the revised 4.8 metres wide access road and 1.8 metres wide footways in conjunction with 3 no. private shared driveways acceptable. The applicant has also shown 6 no. visitor car parking spaces for the 14 no. 3 bedroomed dwellings which complies with the minimum requirements outlined in the DCC Residential Car Parking Standards. The distribution of the 6 no. non allocated visitor car parking spaces throughout the proposed development also reflects the highways advice and is also acceptable.
62. On the basis of the above, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contributions

63. Saved policy 66 of the District of Easington Local Plan states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. On this basis the applicant has agreed to make a financial contribution of £19,065 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment.
64. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
65. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI). and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.

66. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control and any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £9225.72 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward a scheme to reduce the number of access points to Special Protection Areas as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15 in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.

Paragraph 14 balance

Benefits

67. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, the sustainable location of the development, the good quality of the scheme which would remove a derelict building, and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers.

Adverse impacts

68. No adverse impacts arising from the proposed scheme have been identified

Applying the titled balance test in paragraph 14, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

69. The site is modest in scale and involves the removal of a derelict building which is in a prominent location in the village centre, the proposal is adjacent to established residential areas and there is a good range of facilities and services in the town to serve the development. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout. It is compliant with all relevant saved local plan policy and in the context of paragraph 14, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

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

- i. £9225.72 contribution toward the scheme to reduce the number of access points to Special Protection Areas as identified in the Durham Heritage Coast Partnership's Business Plan 2014/15.
- ii. £19,065 contribution toward enhancement or provision of play facilities in the Murton Electoral Division.

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

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

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

Location plan – SK4A, Proposed site plan - SK8 received 2.11.17, Proposed floor plans and elevations – SK9 received 2.11.17.

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

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

Reason: To prevent the increased risk of flooding from any sources in accordance with part 10 of the NPPF.

4. The development hereby approved shall be carried out in full accordance with all recommendations within the bat survey “The former Big Club, Murton” by Barrett Environmental Ltd, dated July 2017.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan.

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

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

Details of methods and means of noise reduction

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

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

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

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

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

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

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

Routing agreements for construction traffic.

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

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

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

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

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

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

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

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

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

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

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

9. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



| | | |
|---|---|--|
|  <p>Durham County Council</p> <p>Planning Services</p> | <p>14 Dwellings, former Murton Victoria Club</p> | |
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| | <p>Date January 2018</p> | |

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/17/03290/FPA |
| FULL APPLICATION DESCRIPTION: | Insertion of mezzanine floorspace |
| NAME OF APPLICANT: | Aviva Investors Limited |
| ADDRESS: | Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham |
| ELECTORAL DIVISION: | Belmont |
| CASE OFFICER: | Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site comprises the existing B&Q retail warehouse at Durham City Retail Park. At present, only part of the unit is occupied by B&Q, with the remainder currently unoccupied. To the north of the site lies residential housing, and Bannatyne Health Club and Spa, to the east lies Just Car Clinic, with the A1(M) beyond, to the south lie other units on the retail park, Currys PC World, Argos and Sports Direct, amongst others. To the west is car parking, with car dealerships beyond.
2. There are no Public Rights of Way in the vicinity, and The Scrambles Local Wildlife Site lies approximately 1km to the east of the site, Durham City Centre Conservation Area lies 1km to the west of the site, and an Area of High Landscape Value lies 300m to the south east.

The Proposal:

3. Planning permission is sought for the erection of a 1,394 sq.m mezzanine floor within the vacant part of the existing retail unit, at its eastern end. The applicant has advised that they no longer wish to develop the vacant retail unit as a foodstore, and are instead intending to subdivide the unit into two units, one of which it is intended, would be occupied by Go Outdoors.
4. The proposed mezzanine floor would be associated with the Go Outdoors unit, and would be intended to facilitate the display of camping and outdoor equipment, such as tents.
5. A separate application has been submitted in relation to external alterations required to facilitate the subdivision of the unit, and this has recently been approved under delegated powers.

6. This application is being reported to Central and East Planning Committee as it constitutes a major retail development proposal involving the creation of more than 1000 sq.m of additional floor space.

PLANNING HISTORY

7. The retail park was originally approved on appeal, following the refusal of application 4/02/00526. Since then, there have been a number of planning applications and applications for advertisement consent;
8. DM/17/03286/FPA - External alterations and car park works – Pending consideration.
9. DM/16/01505/FPA - External alterations to existing vacant retail unit including provision of new service yard gates and fence; new escape stair case; new roller shutter and reconfigured entrance lobby – Approved 20.07.2016
10. DM/16/01506/FPA - Erection of a 1114 sqm Mezzanine Floor – Approved 20.07.2016
11. DM/15/01652/FPA - Proposed external substation, Re painting of existing cladding, re-painting of the curtain wall mullions and alterations to the service yard canopy design - Approved 24/07/2015
12. DM/15/01132/AD - 2No Internally Illuminated Signs, 3No Non-Illuminated Panel Signs and 2No Banner Signs - Approved 22/05/2015
13. DM/14/02769/FPA - External alterations to the existing retail unit and site, including removal of builders yard roof, ground works to builders yard, erection of new lighting columns, trolley shelters, bollards, service yard gates and new fire exit doors on the building's northern elevation – Approved 24/10/2014 – This application comprised the external changes that would allow Morrisons to operate a foodstore.
14. DM/14/01588/COL - Application for a Lawful Development Certificate for proposed A1 Use – Approved 04.08.2014 – This application confirmed that the unit can operate as a general A1 retail unit, with no restrictions on goods sold.
15. CE/13/01118/FPA - External alterations including new canopies to front, sides and rear elevations – Approved 13/07/2014
16. 4/10/00957/AD - Erection and display of 10 no. signs comprising non-illuminated and internally illuminated fascia and individual letter signs to north and east elevations of existing building (amended plan). – Approved 17/02/2011
17. 4/04/01333/FPA - Installation of external air conditioning equipment within a secure cage – Approved 25/01/2005
18. 4/04/01156/AD - Erection and display of illuminated and non-illuminated fascia and freestanding site signs – Approved 01/12/04
19. 4/04/01154/FPA - Erection of greenhouse and open canopy within garden centre area – Approved 01/12/2004

PLANNING POLICY

NATIONAL POLICY

20. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
21. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
22. *NPPF Part 1 – Building a Strong, Competitive Economy*. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
23. *NPPF Part 2 - Ensuring the Vitality of Town Centres*. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
24. *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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; retail development and highways impacts and flood risk

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

26. *Policy S1A (Retail Hierarchy)* - seeks to protect and promote the vitality and viability of all centres within the local retail hierarchy.
27. *Policy S8 (Retail Warehousing Outlets)* – states that new retail warehouse development will be permitted on designated sites, providing, amongst other things, that there is demonstrable need, a sequential test has been carried out, and the vitality and viability of existing centres would not be adversely affected.

28. *Policy S9B (Major Out of Centre Proposals)* – states that where an identified need for large-scale retail cannot be met through existing allocations, preference should be given to sites within the city centre, followed by district centres at Sherburn Road/Dragon Lane and the Arnison Centre, and then local shopping areas within the built up area of Durham City. Where such development cannot be accommodated in these locations, it will only be acceptable elsewhere if; it satisfies a demonstrable need and conforms to the sequential approach, does not adversely affect the viability and viability of any existing centre within and outside of the district, would not give rise to serious access problem, would not result in a substantial increase in car usage, and it can be shown that the site is accessible by a choice of means of travels.
29. *Policy EMP8 (General Industrial Sites)* - This policy designates general industrial sites, and identifies the site of Durham City Retail Park as being suitable for B1, B2 and B8 development.
30. *Policy T1 (Transport – General)* – states that developments that would generate traffic which would be detrimental to highway safety or amenity of adjoining occupiers will be resisted.
31. *Policy CC1 (Vitality and Viability)* – states that the Council will seek to protect and enhance the vitality and viability of the city centre by promoting a mix of uses, and sustaining the city centre shopping centre in accordance with other retail policies.
32. *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.

RELEVANT EMERGING POLICY:

The County Durham Plan (CDP)

33. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:
[http://www.durham.gov.uk/article/3266/What-s-in-place-to-support-planning-and-development-decision-making-at-the-moment- \(Durham City Local Plan\)](http://www.durham.gov.uk/article/3266/What-s-in-place-to-support-planning-and-development-decision-making-at-the-moment- (Durham City Local Plan))

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highway Authority* – No objection raised - It is accepted that the increase in floor space by introduction of a mezzanine floor will allow the retailer to stock and display large and bulky items that typically require large display areas. Whilst the aim is to attract more footfall there is no clear evidence of vehicle trip rates increasing. It is likely that trips would link to neighbouring retail outlets in the retail park and not be generated as primary trips.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy* – No objections. Given the Certificate of Lawfulness that the unit is subject to, the LPA is not in a position to impose restrictions on the goods that can be sold within the existing floorspace. The application proposes a mezzanine on the store that will be occupied by the retailer. The applicants have provided a review of the sequential assessment submitted on the previous approval for a marginally smaller mezzanine in 2016. This again concludes that there are no other sequentially preferable sites. These conclusions are agreed, the application has therefore passed the sequential test.

PUBLIC RESPONSES:

36. The application has been advertised by means of press and site notices. No letters of representation have been received.

APPLICANTS STATEMENT:

37. The proposed development will allow Go Outdoors, a national sports goods retailer, to occupy part of the vacant Unit 1.
38. Once opened, Go Outdoors would employ up to 50 members of staff, split between full time and part time roles within the store. The proposal will therefore contribute positively to local economic growth and employment opportunities in the local area.
39. Unit 1 has been vacant for a number of years, following the downsize of the B&Q store, and Morrisons' withdrawal from the scheme. A number of applications have been approved since 2014 to allow the vacant building to be re-occupied and brought back into active economic use.
40. A mezzanine floor of 1,114sqm within the unit was approved in 2016 to allow Go Outdoors to occupy the unit. The business requirements of Go Outdoors have since changed, and they require a slightly larger floor area at mezzanine level. The proposed mezzanine floorspace extends to 1,394sqm in line with the retailer's requirements.
41. The proposed mezzanine floor will be used for the display of large and bulky items, such as tents, camping equipment and outdoors sports equipment.
42. An Agreement for Lease has been signed with Go Outdoors on a Subject to Planning basis, and subject to the grant of this planning application, Go Outdoors will occupy the unit in 2018.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, and its impact upon highway safety.

Principle of Development

44. Within the CDLP, this site benefits from dual allocation, with Policy EMP8 allocating the site for employment purposes, whilst CDLP Policy S8 allocates it for Retail Warehouse use. Policy EMP8 is considered to be NPPF compliant, so weight can continue to be afforded to it, whilst Policy S8 is only partially compliant, insofar that NPPF does not explicitly reference bulky goods, nor does it require an assessment of need, however the requirement of Policy S8 for a sequential assessment to be carried out is NPPF compliant. Consequently, a degree of weight can continue to be afforded to this policy.
45. Durham City Retail Park was originally developed in line with Policy S8, in that occupiers were restricted to bulky goods. However, following an application relating to Unit 9 of the Retail Park in 2002, it was accepted that the condition attached to the original planning permission for Retail Park, which sought to restrict goods to be sold did not adequately serve this purpose, and that a restriction on goods did not apply to the Retail Park.
46. In 2014, the applicant submitted an application for a Certificate of Lawfulness in relation to this particular unit, and it was confirmed that there is no restriction on the goods to be sold. Therefore, the use of the unit by Morrisons, or indeed The Range and Go Outdoors does not fall within the remit of this application. The subdivision, in itself is not considered to be development, and therefore does not require planning permission.
47. In 2016, planning permission was granted for the provision of an additional 1,114sq.m of A1 retail floorspace in the form of a mezzanine floor. This application seeks permission for a larger mezzanine floor of 1,394sq.m in area. However, it should be noted that a change to the subdivision boundaries, that this application would result in a marginally smaller area (3,252sq.m vs 3,381sq.m) of gross retail floorspace the unit as whole, over that approved as part of application DM/16/01506/FPA.
48. In this context, the matter of principle centres around whether the provision of an additional 1,394sq.m of A1 retail floorspace in this location, is acceptable, and whether it would unreasonably impact upon Durham City Centre, or other defined Local Centres.

49. CDLP Policies S1A and S9B advocate a retail hierarchy approach to locating new major retail development, and requires, where out of centre retail proposals are forthcoming, that they be subject to a sequential test. This is consistent with the NPPF, which at Paragraph 24 states that a sequential test to planning applications for main town centre uses should be applied where they are not in accordance with an up-to-date Local Plan. It goes on to state that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It also states that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
50. In addition to this, NPPF also states that when assessing applications for retail, leisure and office development outside of town centres, an impact assessment should be required. LPAs should require an impact assessment if the development is over a proportionate, locally set threshold. Where there is not a locally set threshold, the NPPF gives a default threshold of 2,500sqm. As there is currently no locally set threshold, the NPPF threshold applies in this instance, and therefore there is no requirement for an impact test to be carried out as the additional floorspace is only 1,394sq.m. However, an update to the sequential assessment submitted in 2016 has been carried out.
51. Planning Practice Guidance (PPG) confirms that it is for the applicant to demonstrate compliance with the sequential test and the application of the test should be proportionate and appropriate for the given proposal. It goes on to state that in determining whether a proposal complies with the sequential test, the following considerations should be taken into account:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.
 - Is there any scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
52. Two alternative potential development sites were identified that are within, or close to a defined a centre. They comprised Unit C (former Homebase) at Arnison Retail Park, and Prince Bishop's Shopping Centre in Durham City. For the purposes of the sequential assessment, the gross floor space of the existing unit, and the proposed mezzanine floor are considered to comprise the required unit size. This amounts to 3,252sq.m. It is further considered that it would not be reasonable to expect the applicant to disaggregate the business for the purposes of the sequential assessment.
53. Unit C at the Arnison Centre is now no longer available, and can therefore be discounted. A new unit is available, but would only provide 615sq.m which would only amount to around 20% of the floorspace required, and is therefore unsuitable. With regards to the Prince Bishop's Shopping Centre in the city centre, the conclusions of the sequential assessment that the units are heavily constrained in terms of size, and with extremely limited opportunity for extension, and therefore are not suitable, are accepted.

54. The review of the sequential test has identified that units within The Gates Shopping Centre, are, or will shortly becoming available. The largest of these is c.540sq.m which would only represent around 17% of the required floorspace, and would prevent the applicant from implementing its established business model which required significant display areas for bulky sports and leisure equipment, such as tents. Again, these findings are considered to be acceptable.
55. Having regards to the above, it is considered that the sequential test has been passed, and this element of CDLP Policy S9B has been met. Additionally, as there are no sequentially preferable sites available, the vitality and viability of the city would, it is considered, be maintained, in accordance with Policy CC1 and Part 2 of NPPF.
56. It is considered that in the strictest terms that the proposal would be contrary to CDLP Policy S8 in that it would not constitute a retail warehouse. However, given that it has been previously accepted that there is no current restriction on the range of goods that can be sold at present from the application site, and further that the weight can be afforded to Policy S8 is reduced due to it only being partially compliant with the NPPF, it is considered that it would be unreasonable to resist this proposal on this basis, particularly as the submitted sequential assessment has demonstrated that there are no suitable sequentially preferable sites available.
57. It should also be noted that this particular proposal, despite proposing a larger mezzanine, would actually be located within a unit of slightly smaller ground floor footprint, meaning that this proposal would result in c.80sq.m net reduction of A1 retail floorspace over the 2016 approval. This permission remains extant and represents a strong fall-back position. Spatial Policy Officers offer no objection to the proposed development.
58. Having regards to the above therefore, the principle of the development is accepted.

Vehicular Access and Highway Impact

59. Durham City Retail Park is considered to be in a sustainable location, with good pedestrian, cycle and public transport access, in accordance with the requirements of Policy S9B in this respect.
60. The Highway Authority acknowledges that the additional proposed floorspace will result in additional footfall, and therefore will increase parking demand. It is also accepted that the mezzanine floor would not result in a pro rata increase in parking demand, although footfall would be expected to increase by up to 20%. However, it is expected that many of these trips will be linked.
61. CDLP Policy T1 states that planning permission will not be granted for development generating traffic that would be significantly detrimental to highway safety. This is considered to be only partially NPPF compliant, with paragraph 32 stating that development should only be prevented or refused on transport grounds where residual cumulative impacts are severe. Consequently only reduced weight can be afforded to Policy T1.
62. Whilst the Highway Authority consider that there would be an increase in footfall, it does not necessarily follow that trip generation would increase. As a result any impacts are considered to be unlikely to constitute a severe impact, for the purposes of Paragraph 32 of the NPPF, and consequently the proposal is considered to be acceptable in this respect.

Other Issues

63. With regards to other issues, the potential impacts of the development are considered to be minimal, with the proposed works being entirely internal to the existing building. Any external alterations are subject to a separate application which is currently under consideration. This separate application allows the full consideration of the potential design and heritage implications of the subdivision works.
64. The site is located within Flood Risk Zone 1, which is the lowest level of risk. Additionally, the proposed floorspace is at mezzanine level, so flood risk would not be increased at the site, or elsewhere, and therefore the application would be in accordance with CDLP Policy U8A and Part 10 of the NPPF.

CONCLUSION

65. Although Durham City Retail Park through CDLP Policies EMP8, S8 and S9B, was originally envisaged as a employment and retail warehousing site, the way the Retail Park has developed has led to it become a more general retail outlet, with it being accepted that there are no restrictions on the type of goods to be sold.
66. In this context, it is considered that weight to apportioned to Policies EMP8 and S8 is diminished, although a sequential assessment in accordance with Policy S9B to ensure that there are no sequential preferable suitable sites available, is still necessary. The sequential assessment has been carried out, and its conclusion that there are no available preferable sites is considered to be reasonable.
67. In terms of highways impact, it is considered that these would not constitute severe impacts for the purposes of paragraph 32 of the NPPF. The application is considered to be acceptable in other regards.
68. It is considered, that for the reasons above, that it would be unreasonable to seek to resist the application, which is therefore recommended for approval.

RECOMMENDATION

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

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

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

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

SITE LOCATION PLAN-A4(1) 120A
BLOCK PLAN-A4(1) 121A
PROPOSED SITE PLAN-A1 123A
PROPOSED GAPLAN-A1 125B
PROPOSED SECTIONS-A1 127B

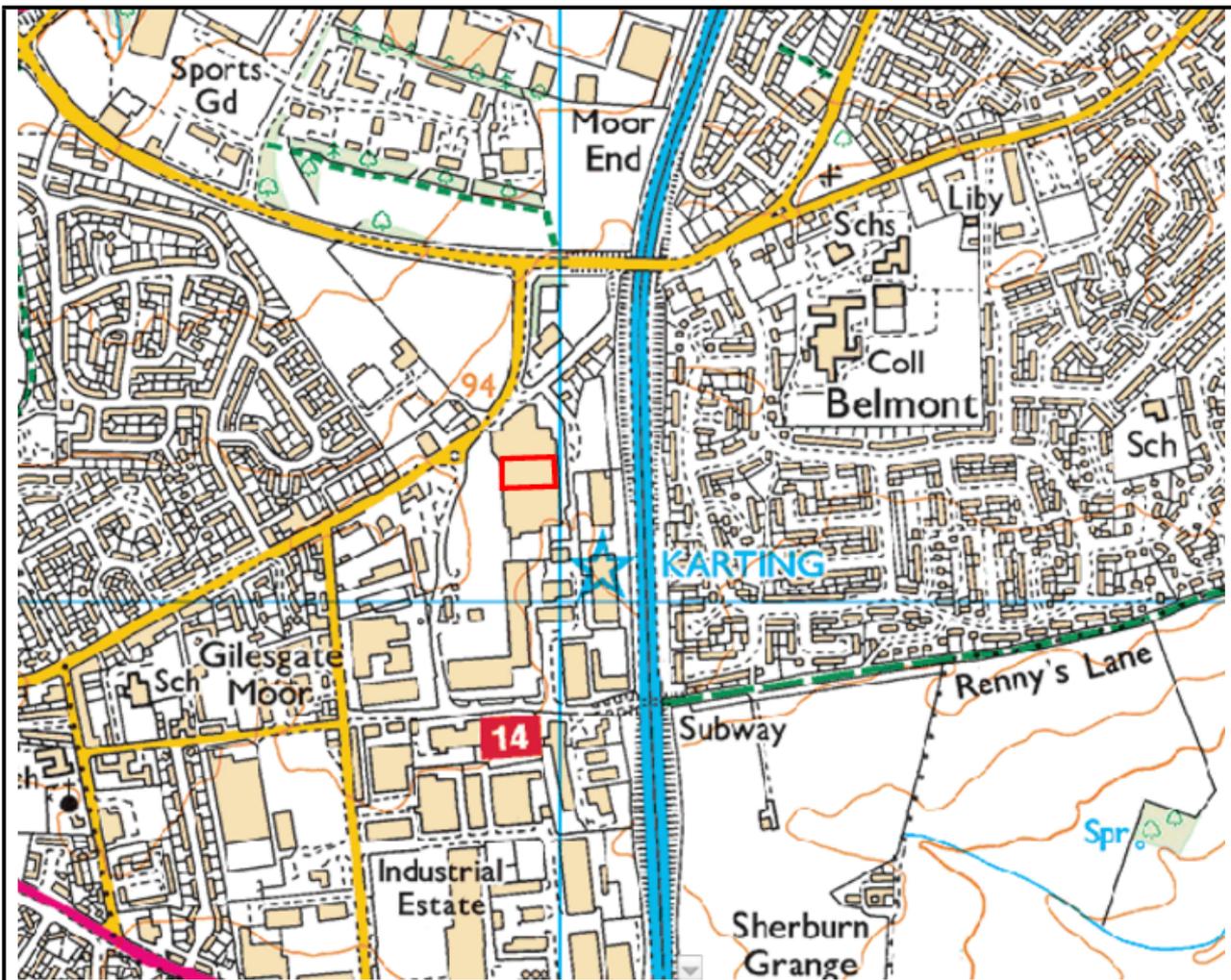
Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to City of Durham Local Plan Policies S8 and S9B, as well as Parts 1 and 2 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- City of Durham Local Plan
- Assessing Development Proposals in County Durham (April 2016)
- Statutory, internal and public consultation response



Planning Services

DM/17/03290/FPA
 Insertion of mezzanine floorspace at B&Q Warehouse, Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham

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Comments

Date
 December 2017

Scale
 Not to scale

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