

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01961/FPA
FULL APPLICATION DESCRIPTION:	Extension and conversion of the multi-level decked car park to form 3no. 2-bed apartments and 4no. 2-bed townhouses (Resubmission).
NAME OF APPLICANT:	Hilcrest NW Ltd
ADDRESS:	Kingfisher House St John's Road Meadowfield Industrial Estate Durham DH7 8TZ
ELECTORAL DIVISION:	Elvet and Gilesgate
CASE OFFICER:	Paul Hopper Senior Planning Officer Telephone: 03000 263 946 paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a two-storey building which previously provided parking for an adjacent office complex and is situated to the rear of Claypath within the commercial centre of Durham City. It is understood that the office building was originally used as a printing works and more recently as office accommodation. The building is now vacant, and that planning permission exists for the conversion of part of the building to residential accommodation through permitted development rights with the remainder of the building benefitting from full planning permission for conversion to residential accommodation.
2. The car park is framed by commercial properties to the north and west, by residential properties to the east and Leazes Road to the south. Both the car park and office building take a vehicular access from Claypath via a narrow vennel. The site also lies within the Durham City Conservation Area and to the rear of listed buildings at Claypath.
3. Planning permission was refused in 2018 and 2019 for extension and conversion of the car park to residential accommodation comprising 28 no 1-bed studio apartments, and 4no. 1-bed apartments and 8no. 2-bed apartments respectively, as in both cases it was considered that the proposal would have an unacceptable adverse impact upon the amenity of adjacent residential occupiers and existing trees. In relation to the 2018 application it was also considered that the development failed to meet minimum internal space requirements. This application represents an amendment to that scheme which now proposes 3 No. 2 Bedroom apartments and 4 No. town houses falling into Class C3 of the Use Class Order.

The Proposal

4. Planning permission is sought for alteration and amendment to the existing car park and associated building in order to provide 4 No. 2 storey town houses and 3 No. 2 bedroom apartments.
5. These would take the form of a short terrace of two storey town houses with a double ridged, dual pitched roof arrangement to accommodate habitable living accommodation in the roof void. This would be set alongside a two-storey section of William Robson House which would also be subject to conversion to residential use to create 2 No. 3 bed apartments. Overall, the resulting building would be 28 metres long by 9.9 metres wide with a maximum height of 6.6 metres to the ridge of the dual pitched roof.
6. External materials are proposed as being brick to the walls and natural slate to the roof with painted timber windows and doors and conservation style roof lights.
7. The development proposes the use of the existing access arrangement from Claypath via the current vennel.
8. The application was referred to planning committee at the request of the City of Durham Parish Council who raise concerns regarding its potential use as student accommodation, the storage and removal of domestic refuse from the site, insufficient car parking provision and disruption during the construction phase, which they believe are such that the application should be considered by planning committee.

PLANNING HISTORY

9. The development site and the adjacent building at William Robson House have both been subject to several previous planning applications that relate to conversion to residential use.
10. In the case of William Robson House planning permission was refused in June 2018 for the part conversion of the building to use as 16 No. 1 bed studio apartments due to concerns that the units failed to provide sufficient internal space for residents. An appeal against this decision was dismissed by the Planning Inspector. The building currently benefits from permitted development rights for conversion to residential accommodation in the form of 27 No. 1 bedroom studio apartments and 3 No. 2 bed apartments and this was subsequently followed by a certificate of lawful development application for that use which was granted in August 2018. Planning permission was also granted in March 2019 for the conversion of the remaining part of the building to create 7 No. 1 bed apartments.
11. In relation to the car park which is the subject of this application, planning permission was refused in June 2018 for conversion and extension in order to create 28 No. 1 bed apartments due to concerns regarding limited internal space, which failed to meet nationally prescribed space standards, impact on existing trees and the residential amenity of adjacent occupiers through overbearing and overshadowing. An appeal against this decision was subsequently dismissed by the Planning Inspector. This was followed by an application in December 2019 for conversion and extension of the building to create 8 No. 2 bed apartments which was subsequently withdrawn due to concerns regarding the impact of the development on residential amenity of future occupiers and existing trees.

PLANNING POLICY

NATIONAL POLICY

12. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
13. NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. NPPF Part 4 - Decision-making. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. NPPF Part 5 – Delivering a wide choice of high quality homes. The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
16. NPPF Part 6 – 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.
17. NPPF Part 8 – Promoting healthy and safe communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. NPPF Part 9 – 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.
19. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

20. NPPF Part 12 Achieving Well-Designed Places - 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.
21. NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

24. 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; conserving and enhancing the historic environment; design; and use of planning conditions.

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

LOCAL PLAN POLICY:

The following policies of the County Durham Plan is considered relevant to the determination of this planning application;

25. Policy 6 Development on unallocated Sites states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.

26. Policy 15 Addressing Housing Need notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities states that 66% of dwellings on sites of 5 dwellings or more must be built to Building Regulations M4(2) (accessible and adoptable dwellings) standard.
27. Policy 21 Delivering Sustainable Transport states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
28. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
29. Policy 31 Amenity and Pollution states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
30. Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
31. Policy 35 Water Management states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
32. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
33. Policy 39 Landscape states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
34. Policy 40 Trees, Woodlands and Hedges states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
35. Policy 41 Biodiversity and Geodiversity states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

36. Policy 44 Historic Environment seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
37. Policy 45 Durham Castle and Cathedral World Heritage Site seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site.

In line with Section 70(2) of the Town and Country Planning Act 1990 (as amended), the local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application, and, para 48 NPPF guidance (i.e. where changes are required less weight to policies). In that regard the following policies of the emerging City of Durham Parish Neighbourhood Plan are considered relevant;

38. Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet
39. Policy H1: Protection of Durham World Heritage Site [WHS] requires new development to sustain, conserve and enhance the by taking account of both the historical and present uses of the WHS, proposing high quality design, using materials appropriate to the vernacular and seeking balance in terms of scale , density, massing, form, layout, landscaping and open spaces.
40. Policy H2: The Conservation Areas, aims to ensure that development proposals within or affecting the Durham City or Burn Hall Conservation Area should sustain and enhance the designated assets their special interest and significance of the Conservation Area Appraisals.
41. Policy H4: Heritage Assets seeks to ensure that Development proposals affecting heritage assets should demonstrate an understanding of the significance of the asset and give details of how the development proposal will impact on the asset and, where relevant, its setting.
42. Policy D6: Building Housing to the Highest Standards seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
43. Houses and housing developments must meet the Building for Life Criteria by avoiding any red traffic light scores and achieving as many green traffic light scores as possible. Application for accreditation of sites is not required.
44. Policy T1: Sustainable Transport Accessibility and Design seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.

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:

45. The Highway Authority notes that there has been considerable discussion with the applicant's Transport Consultant regarding the safe future use of the access to William Robson House from Claypath. During these discussions concern was expressed with particular regard to the potential increase in vulnerable road user numbers and possible conflict with vehicles entering a vennel onto Claypath which is only 2.6 metres wide and the potential conflict arising with pedestrians as a result.
46. However, the Highway Authority recognises that the use of the building as office accommodation could be reintroduced and that this is a fallback position which could see an intensification of use, over and above the level that the proposed residential accommodation would generate. In doing so, it is conceded that if this fallback position was reached, the access may become less safe than this change of use proposes.
47. In this context the Highway Authority does not consider that an objection on highway safety grounds could be sustained and as such offers no objection to the application subject to the inclusion of a planning condition requiring the submission, agreement and implementation of a Construction Management Plan prior to the commencement of development.
48. NWL has confirmed that they wish to offer no comments on the application other than to note that surface water generated by the development should be managed in accordance with the hierarchy of preference.
49. City of Durham Parish Council whilst welcoming C3 development within the Parish that promotes 'year long' occupation, nevertheless consider the application site to be one which is ideal for elderly people given its proximity to the city centre. The Parish note that it's neighbourhood plan for the area is due for referendum shortly and as such those policies contained therein can be afforded significant weight in the determination of planning applications. Notwithstanding their support for C3 developments the Parish Council objects to the application raising the following concerns;
 - The development does not appear to meet accessibility requirements.
 - Concern the units will be occupied as student accommodation and as such advise conditions restricting occupancy to prohibit occupation as C4 use or as PBSA.
 - Arrangement for the collection of wheelie bins is inadequate and would have a detrimental impact on Claypath.
 - Concerns regarding the impact of the development upon highway safety at Lower Claypath; and
 - Concern over disruption during the construction phase should planning permission be granted and as such advise the use of operational conditions to manage entry and exit from the site during the construction phase.

INTERNAL CONSULTEE RESPONSES:

50. Design and Conservation raises no objection to the application subject to planning conditions which require the submission and agreement of precise detail in relation to walling and roofing material, section details for windows and that roof lights be conservation style.
51. DCC Landscape Section initially raised concerns regarding the long-term impact of the development upon existing trees immediately adjacent to the site, principally through pressure to remove or prune these to allow sufficient natural light to the development. However, the applicant has amended the proposed design and introduced a dual pitched double ridged roof arrangement to allow additional light into the first-floor rear bedroom to which the Landscape Section offers no objection.
52. DCC Arborist initially raised similar concerns to that of the Landscape Section although again these have been allayed through amendment to the scheme.
53. DCC Environment, Health and Consumer Protection (Nuisance Action Team) offers no objection to the application subject to the inclusion of a planning condition which requires the submission and agreement of a noise mitigation scheme to be submitted to and agreed by the local planning authority, prior to the commencement of development and that that the development be thereafter carried out in accordance with the agreed details.
54. DCC Contaminated Land Section raises no objection to the application subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a scheme of intrusive site investigations, remediation and verification reports where need is identified.
55. DCC Ecology has no objections to the application subject to the mitigation proposed in the supporting Preliminary Ecology Assessment being secured through planning condition.
56. DCC Archaeology has no objections to the application.

PUBLIC RESPONSES:

57. The application has been advertised by means of site notice, press notice and notification letter to adjacent residents. One letter of objection was originally received on behalf of residents of Blue Coat Court to the east of the site which raised concerns regarding the impact of the proposal upon residential amenity from overbearing and overshadowing, and discrepancies within the application.
58. However, these objections have been withdrawn following amendment of the scheme and the submission of additional section detail showing the relationship between the proposed development and adjacent dwellings.

APPLICANT'S STATEMENT:

59. The applicant seeks full planning approval for the extension and conversion of the multi-level decked car park and rear of William Robson House, Claypath, Durham, DH1 1SA to form 4no. 2-bed townhouses and 3no. 2-bed apartments (C3 housing). This application follows the withdrawal of application DM/19/03968/FPA for the extension and conversion of the multi-level decked car park and rear of William Robson House to form 8no. 2-bed apartments (C3 housing).

60. William Robson House is located within Moody's Yard, accessed via an archway between 83 and 84 Claypath, within the Durham (City Centre) Conservation Area.
61. Also within Moody's Yard is the multi-level decked car park which was built in 1999/2000 to provide car parking for the offices created within William Robson House. As the occupancy of the offices dwindled the car park fell into disuse and became a focal point for vagrancy and anti-social behaviour. It is now unused and has been secured by metal fencing.
62. There has been considerable recent planning history on the site as the applicant has sought to redevelop William Robson House and the redundant car park and bring the site back into active, sustainable and economically viable use.
63. This application has been considered in terms of the requirements of National and Local Plan Policies and previous consultation responses. Careful consideration has been given to the scale and massing of the proposed development, the impact upon adjacent land users, residential amenity standards, design and appearance.
64. The applicant has worked closely with officers to seek a solution to the site and they are confident that the proposals will enhance the character and appearance of the surrounding Conservation Area.

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

65. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential amenity, the character and appearance of the Durham City Conservation Area, World Heritage Site (WHS) and Grade II Listed Buildings, parking, access and highway safety, ecology and land contamination.

Principle of the Development

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
67. In the first instance concern has been raised by the Parish Council as to the precise nature of the proposed use with some citing a belief that the building would be occupied either as Purpose Built Student Accommodation (PBSA) or HMOs and as such should be assessed against the requirements of policy 16 of the CDP.

68. Policy 16 requires proposals for new PBSAs to demonstrate that there is a need for additional student accommodation that the proposal would not result in a significant negative impact on retail, employment leisure, tourism or housing use and that consultation has been undertaken with the relevant education provider. However, it has been confirmed by the applicant that the scheme would not be used as PBSA and as such policy 16 is not considered relevant.
69. As was the case with the previous application relating to 4 1 No. bed apartments and 8 No. 2 bedroom apartments the applicant has sought to clarify the position and has confirmed that the units would be offered as C3 dwelling houses and not either wholly as Student Accommodation or as HMOs. As such the development should be considered on the basis that the proposed units fall within Use Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987. In the event that planning permission was granted and the development completed, any future material change of use from C3 to either a PBSA or HMO would itself require planning permission, and as such is subject to separate planning control. Therefore, the inclusion of any planning condition in this instance to restrict C4 use would be unnecessary and as such would fail to meet the tests for imposition.
70. Therefore, policy 6 of the CDP is relevant which supports the development of sites that are not allocated in the plan or a Neighbourhood Plan and located within a built up area, provided it accords with all relevant development plan policies and the following criteria;
 - a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g) does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land;
 - j) where appropriate, it reflects priorities for urban regeneration.
71. In addition, policy 19 of the CDP is also relevant and states that on all new housing development the Council will seek to secure an appropriate mix of dwelling types and sizes, taking into account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
72. Assessment of the development against criteria a) to j) of policy 6 is considered elsewhere within this report along with other material considerations, whilst assessment against criteria f), g) and i) are discussed in more detail below.

73. The site is centrally located, and its redevelopment would relate well to the existing form of the settlement in this locale. As such, the principle of development is deemed acceptable subject to consideration of the detailed criteria in policy 6. The site is situated towards the centre of Durham City and as such is well served by shops, services, education and employment opportunities and also benefits from good public transport link to the local bus and rail network and links to the wider national rail network via Durham Train Station. The site is considered a wholly sustainable location in this regard and one which is capable of sustaining new residential development of the modest scale proposed. The development therefore displays a broad level of accordance with the aims of criteria f) of policy 6 of the CDP.
74. With regards to criteria g) it is noted that the site was previously used as a private car park in association with an office use at William Robson House which itself now benefits from planning permission for redevelopment to residential accommodation through a mix of permitted development rights and full planning permission. Consequently, the car park is understood to be vacant and this has resulted in some degree of antisocial misuse, culminating in the applicant fencing the site to restrict unauthorised use/occupation. In this respect the redevelopment of the site would not result in the loss of any valued asset or service and reintroduce a positive use to a building which is currently vacant. In this regard the proposal is considered to accord with the aims of criteria g) of policy 6 of the CDP.
75. More generally the NPPF seeks to boost significantly the supply of housing (para 59), as well as using land that is physically well related to existing settlements (para 84). Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).
76. In this regard the site is previously developed and displays accordance with criteria i) of policy 6 of the CDP which requires development to make as much use as possible of previously developed (brownfield) land and in relation to policy 19 of the CDP meets the aim of providing a mix of housing types as both apartments and townhouses are included. The development also displays a broad level of accordance with the general aim of the NPPF to boost housing supply and improve the variety of housing solutions available although the weight to be afforded to this boost to supply is limited given the Council can display in excess of 5 years housing land supply.

Impact upon Residential Amenity

77. Criteria a) of policy 6 of the CDP states that development will only be supported if it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land. In addition, policy 31 of the CDP is also relevant and states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. This is considered to display a broad level of accordance with the aims of the NPPF at paragraphs 127 and 180 which require new development to function well and add to the quality of the overall area and prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution respectively.

78. Whilst works to facilitate the conversion would require notable alteration to the current structure it has been confirmed through detailed section plans and elevations that the building would not significantly extend beyond the limits of the current structure. It is noted that previous proposals for the redevelopment of the building which were refused by planning committee due to concerns regarding the impact of the development upon the residential amenity of residents of Blue Coat Court to the east of the site. This proposal represents a significant reduction in the scale of those previous proposals and no longer proposes a large featureless gable facing east to Blue Coat Court. Upon receipt of the additional elevation and section detail which sufficiently demonstrate this relationship, adjacent residents have withdrawn objections to the proposal in this regard.
79. With regards to separation distances it is considered that the minimum requirements stated in the Council's Residential Design Supplementary Planning Document would be achieved, and that residential amenity for future occupiers would be sufficient, with both the 3 No. apartments and 4No. town houses providing sufficient internal space to meet the requirements of the Nationally Described Space Standards (NDSS). Failure to achieve those minimum space standards was a reason for refusal of the previous application and a matter noted by the Planning Inspector in refusing that application and compliance with those space standards in the current proposal has ensured that sufficient internal amenity space would be provided in accordance with policy 29 of the CDP.
80. The site is located to the rear of Claypath which hosts some of Durham's night-time economy which includes bars, restaurants and takeaways, and is also within close proximity of purpose-built student accommodation at Student Castle. As the development is noise sensitive the Council's Environmental Health Officer has been consulted and notes that it is expected that there would be a certain level of tolerance for noise arising from the night time economy given the position of the site within this city centre location, and that occupiers would be able to close windows to ensure a reasonable degree of acoustic protection is afforded. Nevertheless, the inclusion of a planning condition is advised which requires the submission and agreement of a scheme for noise mitigation within the build that achieves a noise level of NR20 or less within habitable rooms or the worst affected sensitive receptor with closed windows should be included.
81. In addition, and in order to limit the potential for disturbance from the construction phase of development the submission, agreement and implementation of a construction management plan is advised and is also noted as a requirement by the Parish Council should planning permission be granted. In addition, a condition which restricts the hours of working during the construction phase should also be included.
82. Therefore, subject to the inclusion of planning conditions stated above, the development is considered to accord with the aims of policies 6, 29 and 31 of the CDP and paragraph 180 of the NPPF in that it would not have any unacceptable impact on the adjacent land uses or the amenity of residential occupiers.

Impact upon the Significance of Designated Heritage Assets including the UNESCO World Heritage Site (WHS)

83. The application site is located towards the commercial centre of Durham City, within Durham City Conservation Area and to the north east of Durham Castle and Cathedral UNESCO WHS. In addition, several listed buildings are also located within close proximity of the site to the north at Claypath and the adjacent building at William Robson House although not listed, is considered to be a non-designated heritage asset.

84. When considering applications for planning permission which affects a Conservation Area or Listed Building, Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant and requires a local planning authority to have special regard to the desirability of preserving or enhancing the character/appearance of the Conservation Area and of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
85. In terms of local plan policy, policy 6 d) requires new development to be appropriate in terms of scale, design, layout and location to the character, function and form and setting of, the settlement. Policy 44 of the CDP is also relevant which states that new development should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage asset and policy 45 seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site. Collectively this approach displays a broad level of accord with the aims of paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation - the more important the asset, the greater the weight should be - irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
86. The draft City of Durham Parish Neighbourhood Plan is also relevant and nearing adoption with referendum due shortly. Consequently, significant weight can be afforded to relevant policies of the plan in determination of this application. Policies H1, H2 and H4 are relevant in this regard and seek to ensure that proposals within the Durham Cathedral and Castle World Heritage Site, Durham City Conservation area, and affecting heritage assets should sustain, conserve and enhance its Outstanding Universal Value [WHS], the significance of the Conservation Area, and not have detrimental impact on the heritage assets and their setting.
87. The Council's Design and Conservation Section has commented on the application and notes that the series of yards and vennels within Claypath are important historic spaces, and that the application site is one of the most significant examples of these. The spaces are part of the historic plan form of Claypath, being important components of the physical layout of this part of the city testifying to its industrial past. William Robson House sits immediately alongside the proposed development and is distinctive. It is of interest as the only substantial historic industrial styled building within Claypath and in this regard is considered a non-designated heritage asset which contributes to Durham City Centre Conservation Area. Further significance is also derived from the sites position within the inner urban circle of the WHS and within the setting of listed buildings to the north.
88. With regards to the impact of the development upon significance of identified heritage assets the Council's Design and Conservation Section notes that the proposal has been reduced in scale, massing and density from that previously proposed, and as such fits more comfortably into the constrained yard space. As such it would continue to appear subordinate to William Robson House and bring some enhancement through the reintroduction of a positive use thereby securing its long-term future. In terms of design the development proposes a simple plan form that includes pitched roofs and ordered elevations with a balance and rhythm reflective of the adjacent Non-Designated Heritage Asset and as such is considered acceptable in this regard subject to planning conditions to control external materials, window detail and boundary treatment. Opportunities have been sought through amendment to previous iterations of proposals to better reveal the significance of this part of the City Centre Conservation Area and the removal of the existing security fencing would present enhancement to Conservation Area in this regard.

89. In terms of wider views of the development these would be limited, and only partially glimpsed in the wider context from the back of Claypath and in views from Leazes Bowl, New and Old Elvet Bridge, the riverside area and from the entrance point into the Market Place. Noting the reduced scale and mass of the development and that the proposal would not increase the scale of the existing building excessively, the special character and appearance of the surrounding conservation area would be enhanced.
90. In terms of the WHS whilst the development would represent a changing built component within its setting, it would not compete for attention, be visually intrusive or harmful in any key public or iconic views towards the Castle or Cathedral. It would not harm outstanding universal values of the WHS or the visual drama and appeal of the WHS on the peninsula with the skyline would remain visually uncontested. In addition, the reintroduction of a positive use to the building would secure its long-term future. The development is therefore considered to both sustain and enhance the setting, visual experience and outstanding universal value of the WHS.
91. The proposed development would enhance the special character and appearance of Durham City Conservation Area, the setting of adjacent listed buildings and that of the non-designated heritage asset at William Robson House, positively contributing to its significance in accordance with the aims of policy 44 of the CDP, paragraphs 184, 185, 191, 193 and 200 of the NPPF and Sections 66 & 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In addition, the development also displays a broad level of accordance with the aims of policies H2 and H4 of the draft City of Durham Parish Neighbourhood Plan in this regard.
92. In addition, the development would sustain and enhance the outstanding universal values of the WHS in accordance with the aims of policy 45 of the CDP, paragraph 184 and 193 of the NPPF and policy H1 of the City of Durham Parish Neighbourhood Plan.
93. Notwithstanding the above it is noted that a number of mature trees are located immediately to the south of the site which are not within the application site itself and are under the ownership of the County Council. These make a considerable positive contribution to Durham City Centre Conservation Area and are subject to protection through their position within the conservation area itself. At present their crown spread comes into direct conflict with the existing building.
94. Policy 40 of the CDP is relevant and states that proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
95. The application is supported by an Arboricultural Impact Assessment (AIA) which confirms that the proposed works to extend and convert the existing building could be achieved with minor works to these specimens to remove existing conflict with the building and the specimens could be retained post construction subject to appropriate protection. which would be retained post development subject to appropriate means of protection. Concerns that the trees would restrict light into the single aspect habitable was a concern and reason for refusal of a previous planning application for the conversion of the building to 1 bed apartments. However, this application proposes townhouses across this part of the site which incorporate a utility room with window to the southern elevation, and a first-floor bedroom with dual aspect to dual pitched twin ridged roof arrangement. Therefore, whilst the trees remain in close proximity to the building the design is such that they would not unduly restrict light to habitable rooms and as such are unlikely to come under undue pressure to be removed by future residents. There is requirement for use of obscure glazing in the utility room window and this could be secured through appropriate planning condition.

96. The Council's Arborist and Landscape Section therefore raise no objection to the application subject to the inclusion of a planning condition which requires the development be carried out in accordance with the submitted Tree Protection Plan and that the stated protection measures be installed prior to the commencement of development and retained for the duration of the construction period. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 40 of the CDP.

Parking, Access and Highway Safety and impact on PROW

97. At present the site benefits from an existing vehicular and pedestrian access directly from Claypath via a narrow vennel approximately 2.6 metres wide which served William Robson House was last in use and it is proposed to retain this arrangement in order to serve the development.
98. Policy 6 e) of the CDP states that development on unallocated sites will only be supported where they will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. In addition, policy 21 of the CDP states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements. Both approaches display broad accordance with the aims of paragraph 108 of the NPPF which requires planning decisions to take account of whether safe and suitable access to the site can be achieved for all.
99. The City of Durham Parish Council consider that the development would have a detrimental impact upon highway safety, particularly for pedestrians using Claypath given the narrowness of the vennel and restricted visibility. They also query the fall-back position of the previous use.
100. The Highway Authority has been consulted and whilst concern is held regarding the narrowness of the vennel no objection is raised in relation to highway safety. In doing so the Highway Authority noted the fall-back position with regard to the previous office of William Robson House use which could see an unrestricted intensification of the building and car park over and above that resulting from the proposed residential use. In this instance the Authority notes that should this fall-back position be reached, the access may become less safe than that proposed through the change of use. The development therefore presents benefits in terms of sterilising that fall-back position. William Robson House has well established previous use as office accommodation and the car park to which this application relates was occupied directly in association with that use. Although currently vacant the building could be reoccupied for this use without planning control and without restriction on the number and frequency of vehicle movements. It is considered that this is a realistic fallback position which must be afforded weight in the assessment of highways impacts of the proposal. The inclusion of a planning condition requiring the submission and agreement of a Construction Management Plan to be approved by the LPA prior to the commencement of development has already been noted and would protect highway safety during the construction phase.
101. Therefore, subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policies 6 and 31 of the CDP and paragraph 108 of the NPPF.

Ecology

102. The application is supported by an Ecological Walkover of the site completed on 16/01/2020 which updated a Preliminary Ecology Appraisal/Bat Risk Assessment originally undertaken in 2017.
103. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. In particular paragraph 175 requires the planning system to achieve measurable net gains for biodiversity. Policy 41 displays a broad level of accord with approach stating that new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
104. The supporting information concluded that there were no Durham BAP habitats on site or in the immediate vicinity and that habitats within the survey area were of limited value. Similarly, it concluded that the building was not used by void roosting bat species and that the risk of the building being used as a hibernaculum was negligible and that the survey has not highlighted the presence, or likely presence, of any other protected species within the survey area. Consequently, the Council's Ecologist raises no objection to the application subject to the inclusion of a planning condition which requires implementation of the mitigation described in Section 8.2 of the Preliminary Ecology Appraisal/Bat Risk Assessment to mitigate any potential impacts from the development in accordance with Policy 41 of the CDP and paragraph 175 of the NPPF.
105. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 41 of the CDP and paragraph 175 of the NPPF.

Contaminated Land

106. The application proposes a change of use to a more sensitive receptor and as such policy 32 of the CDP is relevant which relates to despoiled, degraded, derelict, contaminated and unstable land which states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and all investigations and risk assessments have been undertaken by an appropriately qualified person.
107. This displays a broad level of accord with paragraph 178 of the NPPF which requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
108. The Council's Contaminated Land Section has been consulted and offers no objection to the application subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a phase 2 intrusive site investigation report prior to the commencement of development and the implementation of remediation and verification reports where need is identified.

Other Matters

109. The City of Durham Parish Council has raised concerns that the development would not meet accessibility requirements. Policy 15 of the CDP requires new development of 5 dwellings or more to ensure that 66% of all units are built to Building Regulations M4(2) (accessible and adaptable dwelling) standard. In this case that would translate to 5 of the 7 dwellings proposed. It is considered that based on the information provided in support of the application the required standard could be achieved. However, it is considered appropriate to include a planning condition which requires the submission and agreement of precise detail to demonstrate that the 5 of the dwellings would achieve this standard prior to the commencement of development. In light of the above it is considered that the development would accord with the policy 15 of the CDP.
110. In addition, the Parish Council also raise concerns regarding arrangements for the storage and removal of refuse from the site noting that William Robson House benefits from permission for conversion to residential accommodation through a mix of permitted development rights and planning permission. In response the applicant has advised that the refuse at William Robson House is collected by a private contractor and that in relation to this application the proposal incorporates a communal bin store for the apartments and individual bin storage for the dwellings with their own private curtilage. These bins along with the refuse from William Robson House will be collected by private contractor who accesses the site and removes and returns the bins for the storage areas. Precise detail in this regard would be secured through a waste management plan for the site secured through planning condition.

CONCLUSION

111. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
112. The County Durham Plan was adopted in October 2020 and as such forms part of a relevant and up to date development plan. Policy 6 of the Plan is relevant and provides in principle support for the development of sites which are not allocated in the Plan or in a Neighbourhood Plan and which are within the built-up area where specific criteria are met. The proposed development has been considered against this context and assessment of the relevant criteria listed in policy 6 undertaken which has identified that the development would accord with the requirements of those criteria as set out in this report.
113. In this regard it is considered that the development, by reason of its size, scale mass, layout, design and materials, could be satisfactorily accommodated without unacceptable adverse impact upon residential amenity, highway safety, ecology and land contamination in accordance with the aims of policies 6, 15, 21, 29, 31, 32, 39, 40 and 41 of the County Durham Plan and Parts 5, 6, 8, 9, 11, 12, and 15 of the NPPF.
114. In addition, the development is considered to meet the requirements of policy 44 of the CDP, paragraphs 184, 185, 191, 193 and 200 of the NPPF and Sections 66 & 72 of the Planning (Listed Building and Conservation Areas) Act 1990 in that it would enhance Durham City Centre Conservation Area and the setting of nearby listed buildings and non-designated heritage asset at William Robson House. In addition, the development also displays a broad level of accordance with the aims of policies H1, H2 and H4 of the draft City of Durham Parish Neighbourhood Plan in this regard.

115. In addition, the development would protect, conserve and enhance the outstanding universal value of the WHS in accordance with the aims of policy 45 of the CDP, paragraph 184 and 193 of the NPPF and policy H1 of the City of Durham Parish Neighbourhood Plan.
116. Whilst it is noted that objection was initially received from adjacent resident's additional information has been submitted to address these and those objections withdrawn. Notwithstanding this, concerns raised by the Parish Council remain and have been considered in determination of this application as detailed elsewhere in this report. However, on balance, these were not considered to be of sufficient weight to justify refusal of the application and where appropriate could be satisfactorily mitigated through the imposition of planning conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 29 of the County Durham Local Plan.

3. No development shall take place until a detailed acoustic report assessing the existing noise climate at the development site, particularly with regard to noise from the adjacent commercial uses, has been submitted to and approved in writing by the Local Planning Authority. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

55dB LAeq 16hr in outdoor living areas
40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700).

and 45 dB LAmax in bedrooms during the night-time

The approved scheme shall be implemented prior to the first occupation of the development and shall be permanently retained thereafter.

Reason: To protect the amenity of future occupiers in accordance with the requirements of policies 6 and 31 of the County Durham Plan and paragraph 180 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

4. No development shall commence until full details of a scheme of works to ensure that 5 of the dwellings hereby approved comply with Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standards has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To meet the housing needs of older people and people with disabilities in accordance with policy 15 of the County Durham Plan and Part 5 of the NPPF.

5. No development shall commence until a Construction Management Plan has been 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/suppression.
 - 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.
 - Management measures for the control of pest species as a result of demolition and/or 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

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

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan, Policy H2 of the NCDP and Part 12 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on visual amenity and the character of designated and non-designated heritage assets which needs to be considered before site works commence.

7. No external windows and doors shall be installed unless full details including plans at a scale of 1:20, including cross sections and details of colour finish, of the proposed windows and doors have first been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan, Policy H2 of the DCNP and Parts 12 and 16 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on visual amenity and the character of designated and non-designated heritage assets which needs to be considered before site works commence.

8. All roof lights shall be of conservation style and no development shall commence until full details of all roof lights have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To protect the special historic and architectural character of the Grade II Listed Building in accordance with the aims of policy 44 of the County Durham Plan, Policy H2 of the DCNP and Part 16 the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on visual amenity and the character of designated and non-designated heritage assets which needs to be considered before site works commence.

9. No rainwater goods shall be installed unless details of materials, hoppers and junctions, and existing sections to be retained, have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan, Policy H2 of the DCNP and Parts 12 and 16 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on visual amenity and the character of designated and non-designated heritage assets which needs to be considered before site works commence.

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: To protect existing trees and preserve the historic character of Durham City Centre Conservation Area and the visual amenity of the locale in accordance with the aims of policy 44 of the County Durham Plan and Part 15 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on visual amenity and the character of designated and non-designated heritage assets which needs to be considered before site works commence.

11. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely. This is required as a pre commencement condition in order to mitigate potential impact from land contamination which needs to be considered before site works commence.

12. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Prior to the first occupation of the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved, a scheme detailing the provision for refuse management within the site shall be submitted to and agreed by the Local Planning Authority. The submitted scheme shall include details of the means of storage and removal of all domestic waste generated by the use hereby approved and thereafter the development shall be carried out wholly in accordance with the agreed details.

Reason: In the interest of highway safety in accordance with policy 21 of the CDP and Part 9 of the NPPF.

15. No development shall take place unless in accordance with section 8 (Recommendations) of the Preliminary Ecological Assessment by Tina Wiffen dated December 2017.

Reason: In the interests of preserving protected species in accordance with Part 15 of the NPPF.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) windows to the proposed the ground floor rear elevation of the 4 townhouses shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance of Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

17. In undertaking the development that is hereby approved:

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 0730 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 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

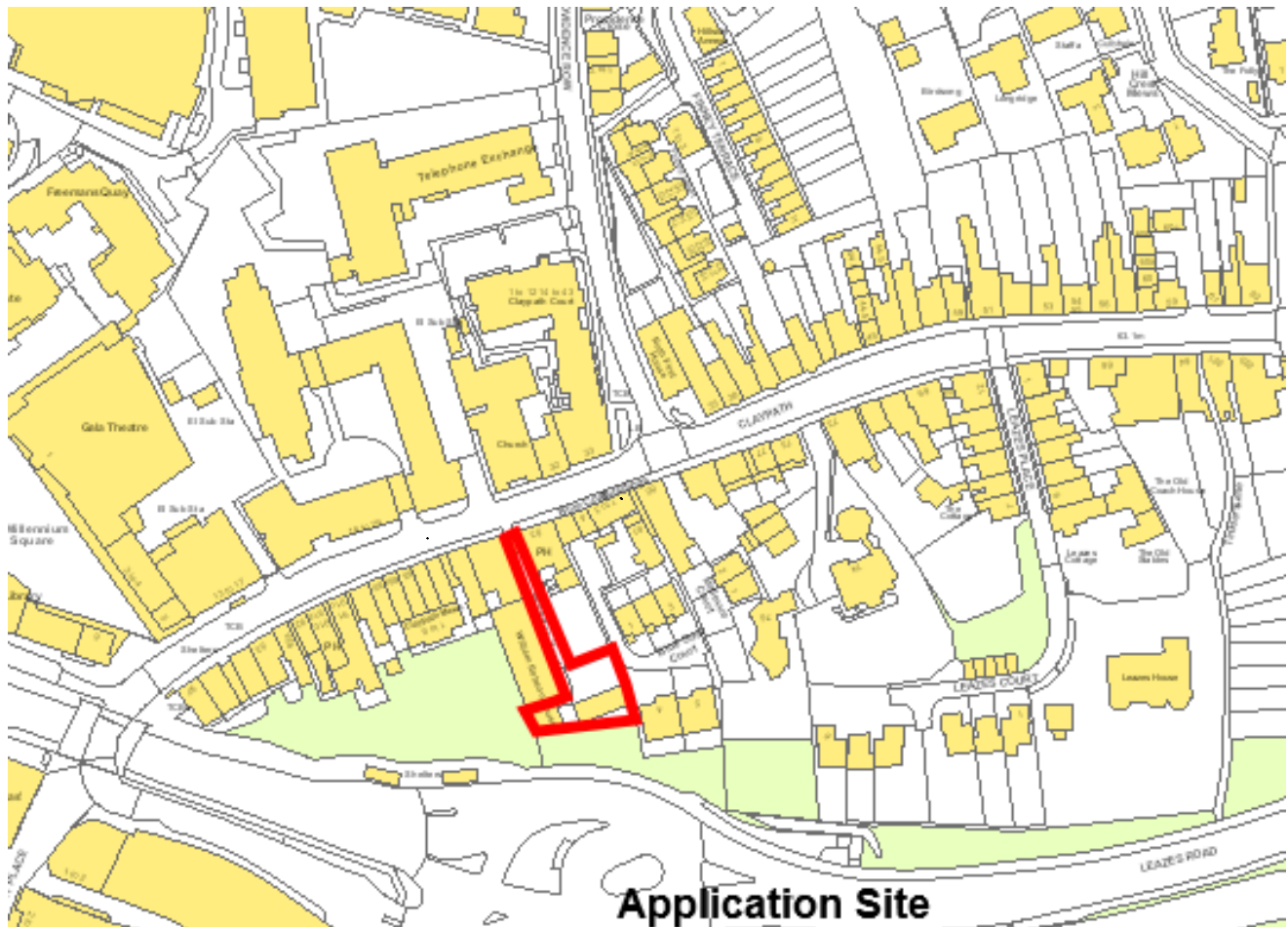
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

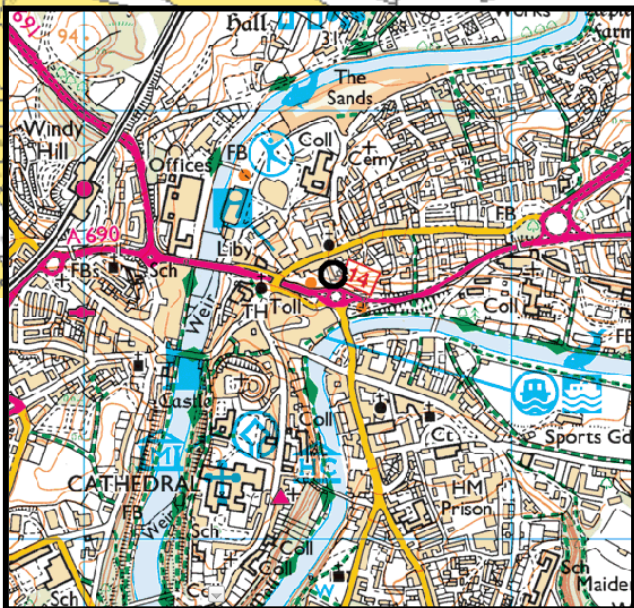
National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



Application Site



Planning Services

Extension and conversion of the multi-level decked car park to form 3no. 2-bed apartments and 4no. 2-bed townhouses (Resubmission). DM/20/01961/FPA

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Date November 2020

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