

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02021/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing two storey end-terrace house and construction of two student flats.
NAME OF APPLICANT:	Gilesgate Properties Ltd
ADDRESS:	60B & C Claypath, Durham, DH1 1QS
ELECTORAL DIVISION:	Elvet and Gilesgate
	Laura Eden
CASE OFFICER:	laura.eden@durham.gov.uk 03000 263980

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an unlisted building within the Durham City Conservation Area. No. 60 Claypath is located on the north side of Claypath which forms a historic route-way to the Market Place. The street has developed and evolved over time however is regarded as important containing a number of listed buildings and other non-designated heritage assets. The street is predominantly Georgian in character. The lower portion of the street is commercial in nature linking into the Market Place whereas further eastwards it is predominantly residential. No. 60 is quite distinctive in that the building goes against the historic grain running at a right angle to no.59 and accessed through a gap within what is otherwise a continuous built up street frontage.
2. The building (no. 60, 60A, B & C) is of some historic interest. The properties comprise of a single three-storey block with a hip ended roof, rendered frontage with various renewed doors and windows many of which are UPVC. The precise age is difficult to establish from the historic maps. Despite the group of buildings having some historic value, the modifications made to them over time have significantly compromised the historic character and appearance resulting in the group making a neutral contribution to the designated conservation area. Overall, the wider site is somewhat of an eyesore due to the long-term vacant status of the end part of the main building, the physical scarring as a result of a previous demolition, and the poor quality surfacing and boundary treatments etc.

The Proposal

3. The application seeks full planning permission for the demolition of 60C Claypath to be replaced by a new side extension comprising a mixture of two and single storey elements to accommodate a five bed roomed HMO. The overall footprint of this aspect of the development would be 8.4m wide by 5.6m deep. The maximum height of the new build would be 7.6m the same height as the existing eaves height of the

original building. The roof would have a hipped roof arrangement and the overall height of the extension would reduce down gradually to 3m some 6m from the northern boundary. New window openings would be created in the east and west elevations.

4. The second element of the proposal is for a new build three bedroomed flat with the intention that it would be occupied as a student let. The one and half storey wing with dormer windows to the frontage would be positioned perpendicular to the main terrace. The building would measure 9m wide by 5.7m deep. It would have an overall height of 6.6m and 4m to the eaves. New window openings would be created in both the north and south elevations.
5. The access road to the development would be upgraded to adoptable standard however the cobble setts at the crossover and to the south of the site would be retained. To the east and north of the site the amenity areas would be grass seeded.
6. The application is referred to committee at the request of County Councillor Freeman.

PLANNING HISTORY

7. 4/12/00249/FPA Erection of fire escape to rear of property Approved 25th May 2012
8. 4/13/00570/FPA Demolition of existing two storey end-terrace house and construction of development providing accommodation for two three-bedroom student flats withdrawn
9. 4/13/00571/CAC Demolition of existing two storey end-terrace house and construction of two three-bedroom student flats withdrawn

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

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

14. 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
15. Part 4 – Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives
16. Part 6 – Delivering a Wide Choice of High Quality Homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development
17. 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
18. Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible; 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.
20. Part 12 - Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY

City of Durham Local Plan

21. Policy E6 (Durham City Conservation Area) Sets out the Council's aim to preserve the special character, appearance and setting of the Durham City Conservation Area by ensuring a high quality design
22. Saved Policy E11 - Safeguarding sites of Nature Conservation Interest - Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

23. Policy E22 (Conservation Areas) Sets out that the Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials, where appropriate reflecting existing Architectural features.
24. Policy H9 - (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.
25. Policy H13 – Residential Areas - Impact upon Character and Amenity states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
26. Policy Q1 (Design) Sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
27. 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 minimized.
28. 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.
29. Policy T1 (General Transport Policy) Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties
30. 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

RELEVANT EMERGING POLICY

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. Northumbrian Water Limited – Note that a public sewer crosses the site therefore the developer should note this.

INTERNAL CONSULTEE RESPONSES:

33. Archeology - No comments received
34. Design and Historic Environment – Proposal supported to aid the regeneration of the vacant and unsightly site which is visible from one of the key historic streets within the conservation area. Suggested improvements have been successfully incorporated into the scheme.
35. Landscape Section – No objection
36. Ecology – No objection received provided a condition is imposed regarding bat mitigation measures being observed as detailed in the bat survey
37. Environmental Health – No objection subject to conditions relating to construction hours and practices.
38. Contaminated Land – No requirement for a contaminated land condition
39. Highways – The site lies within the Durham City Controlled Parking Zone. No objection to the scheme which has been amended as per their request.
40. Planning Policy – The proposal is considered to be acceptable in terms of the surrounding site context and the improvements it would bring to the conservation area through the redevelopment of the site.

PUBLIC RESPONSES:

41. The application has been publicised by way of a press and site notice in addition to individual notification letters to neighbouring residents. One letter has been received from Cllr Freeman requesting that the application is referred to committee due to overshadowing concerns regarding an adjacent property. Two letters of representation have been received from the City of Durham Trust agreeing with the comments issued by the Council's design and conservation officer. One letter has also been received from a neighbouring property not objecting to the development however querying the impact the development will have on her rights of access across the land. Cllr Ormerod and three local residents have written letters of representation objecting to the development on the grounds of:
 - It will be used as a HMO
 - Overshadowing
 - Overbearing impact/change in land levels

- Overlooking/loss of privacy
- Noise and disturbance
- Loss of view
- Highways issues through lack of car parking
- Building Regulation implications/increased heating bills
- Rights of access

APPLICANTS STATEMENT:

42. The site is located in the conservation area of Claypath.
43. It was formerly occupied by a garage block (which was demolished due to its dangerous and dilapidated condition), together with the properties of 60B and 60C Claypath.
44. The re-development aims to create an attractive scheme to regenerate this part of the Conservation Area.
45. The new built accommodation occupies a slightly larger footprint than the former garages and is located at right angles to it as the garages were located closer to the rear boundary than the current proposal. This new building is 1 ½ storey and has been located and designed to minimise its impact.
46. The rebuilding of 60C Claypath is proposed to be on the existing footprint of the former and to the same 2 storey height. The existing property of 60B is proposed to be refurbished and integrated into the overall scheme development.
47. The placement and scale of the proposed development has been carefully arrived at following a thorough and extensive consultation process with Durham County Council's Planning and Conservation team since June 2012.
48. Many revised schemes and amendments have been made during this process to ensure that the proposals meet the requirements of the current planning policies and in a manner which satisfies the Planning, Conservation and Highways officers.
49. Investigations and reports have been prepared alongside the designs to ensure compliance.
50. In In doing so, we believe we have worked fully with the council to produce a high quality scheme for the conservation area with a design suitable and acceptable for the site.

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

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

Principle of Development

53. The application site is located within the settlement limits for Durham City, as defined by the Durham City Local Plan Proposals Map.
54. The NPPF promotes the use of previously developed land in sustainable locations. This is a previously developed site, and therefore the proposal is in accordance with national and local policy in this regard.
55. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites of the Durham City Centre while being in close proximity to public transport networks. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car.
56. In addition to sustainability objectives, the NPPF sets out that development should provide a range of housing types and sizes responding to the needs of all members of the community, including ensuring that there is a mix and range of housing available for different members of the community. Objections around this issue have been raised, concerned that the new dwellings would be occupied by students. Objectors consider that this would have a cumulative adverse impact given the amount of other student accommodation which is considered to negatively impact on the amenities of residents and reduces the availability of family housing. It is indeed the applicant's intention to use these dwellings as student lets.
57. Saved Policy H9 of the Local Plan seeks to address this issue aiming to restrict concentrations of student households to preserve the range and variety of local housing stock and to ensure that a particular type of housing is not reduced to an unacceptable extent. Policy H13 also seeks to protect the character of residential areas.
58. The fourth criterion of Policy H9 relates to the level of concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock. Not all sub-divided properties are occupied by students but the data on student occupation is more readily available. The Council has detailed information on student concentrations available which comprises information by postcode area on the properties that are exempt from Council Tax as they are occupied by students. Analysis of the information shows that the postcode where the site falls has 39% student exempt properties. Areas to the north-west, west and south of the site are generally significantly higher however and conversely the other surrounding areas to the north and east are generally lower. Analysis of this information shows the post code areas surrounding the proposal site comprise between 29% and 65% student exemption properties. As the postcode where the site falls has 39% student exempt

properties it is considered that in the context of other parts of the City then these percentages are generally considered to be moderate.

59. The Council has proposed an Interim Policy on HMOs, Student Accommodation and Purpose Built Student Accommodation. This was approved for public consultation by Cabinet on 15 July 2015. Interim policies have less weight than the adopted Local Plan policies which are consistent with the current national policy framework, because they haven't been subject to examination by an inspector. The Interim Policy says that applications for new build HMOs and changes of use will not be permitted if more than 10% of the total numbers of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from council tax charges. Under the interim policy it is likely that the proposed development would not be acceptable however assessed under policy H9 the moderate level of concentration would mean it could be considered to be acceptable. Greater weight would need to be attributed to the local plan policy given the interim policy is yet to be formally adopted.

60. From a national perspective, although there is no specific reference to HMOs or student accommodation paragraph 50 of the NPPF considers the need to create sustainable, inclusive and mixed communities. In light of the relatively moderate levels of student concentration numbers in the surrounding area it is not considered that this proposal would be contrary to the aims and intentions of the NPPF.

61. Overall it is considered that the proposed development is located in a sustainable location and would not impact on the range of housing available within the wider area in accordance with policy H9 and paragraph 50 of the NPPF. The dwellings would represent development on a brownfield site within the settlement limits in compliance with saved policy H2. The proposal is also consistent with the more up to date policy contained within NPPF which adopts a presumption in favour of sustainable development.

Impact upon the Conservation Area and street scene

62. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.

63. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials. Policy E22 advises permission will not be granted for demolition of buildings which contribute to the conservation area's character.

64. The aforementioned policies and guidance require the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

65. Saved Policies H9, H13 and Q8 of the local plan are also considered to be relevant and relate to the character of residential areas and the layout and design of residential development including houses in multiple occupation.

66. Only 60C is proposed for demolition. Given its current condition it is considered that it is of limited historic value and no architectural merit. It appears that this was a later addition to the main block of no.60 Claypath. There is physical scarring to the building as a result of the past removal of a single storey extension. The building appears to have been disused for a number of years and consequently is in deteriorating condition. As such there is no desire to seek the retention and restoration of the end building therefore its total loss would not have a detrimental impact on the conservation area. The other building proposed for demolition would be a modern storage shed to which no objection is also raised. Although demolition is proposed within the conservation area neither building is considered to be of significance therefore their loss would be in compliance with both policy E22 and part 12 of the NPPF. Their loss would have the added benefit of making regeneration of the site possible.
67. The physical scarring to the existing end building and historic map regression suggest that the land to the front of the property contained a structure previously. The proposal seeks to add a further dwelling in a similar location. The new building is considered to be acceptable in its general scale and form. The redeveloped 60C is considered to be subservient in nature with the ridge and eaves heights stepping down from the main three storey host block. It connects to the new property through an open archway and the overall approach generates a hierarchy of forms which help to successfully integrate the existing building and the proposed extensions. The footprint is representative of the historic built form on this part of the site and the new property to the east of the site would form a focal point when looking into the site from Claypath. It is also appropriate that the bin storage area is to be located to the rear out of view within the rear garden curtilage areas
68. The new dwelling has a mews type aesthetic which gives rise to an ancillary style of building. The elevational treatment is simplistic and it pays some reference to the general character of Claypath via the gabled form with steep roof pitches, traditional dormers, vertical windows and materials. During the application process the agent has amended the design to the requirements of colleagues in specialist services to improve the final quality and aesthetics of the scheme. As such they have no hesitation in offering heritage and design support of the amended plans. Overall it would represent a vast improvement on the current situation leading to an overall enhancement of the conservation area in line with both policy E6 and E22 and part 12 of the NPPF.
69. The overall site arrangements would be acceptable. It is proposed that both properties would benefit from enclosed rear garden areas. Given the surfacing to the front of the properties it is not considered that a landscaping scheme would be necessary in this instance.

Residential Amenity

70. Policies H9, H10 and Q8 of the Local Plan require schemes associated with residential developments and HMO's to give consideration to the privacy and amenity of neighbouring residents. Section 7 of the NPPF seeks to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings.
71. The supporting text associated with Policy Q8 of the local plan recommends that new houses should be laid out and designed to ensure the privacy of the occupants and prevent overlooking. It recommends that distance standards are 21 metres between opposing elevations containing windows, 13 metres between window and blank two-storey gable situations and 6 metres between window to blank single-storey gables. These guidance standards are intended for new housing estates rather than historic

street layouts therefore a proportionate approach needs to be taken assessing each case on its merits, while using these standards as a basis for consideration.

72. Given the historic layout of the properties within this area properties are quite unusually situated at right angles to one another therefore there is already a degree of overlooking. The proposed development seeks to replicate this layout by creating a new unit which would run perpendicular to the redeveloped 60C Claypath which in the circumstances is considered to be acceptable. This new wing would be set back 16m from the main rear elevation of no.59 Claypath and 13.5m from the ground floor extension. Given these opposing elevations would benefit from window insertions these distances fall short of those recommended through policy Q8. Although it could be argued that this would result in a loss of privacy and overlooking, in light of the current situation it is not considered that this would be a reasonable or justified standpoint to take. Given the one and half storey design it is not considered that it would represent an overbearing form of development to this neighbour.
73. To the north of the site is an existing residential property, 2 Hillcrest. Due to a sharp change in land levels the property is two-storey to the front however only single-storey to the rear. There is also a difference in site levels between this property and the application site. The most important distance for comparison would be the difference in site levels between the rear elevation of the new mews style building and the closest rear build line of their property. Over this 14 m distance the land level only increases by 1 metre towards the proposal.
74. In terms of separation distances the local plan specifies that the distance between new buildings should be 13 metres between window to blank two storey gable. The neighbour has made reference to the fact that the opposing elevation of the new mews building would not be a gable, rather a rear elevation. Although this opposing elevation is not a gable in the true sense of the word it does have the same characteristics of one having no window openings at first floor level with the exception of one roof light. The roof design proposed slopes upward away from the neighbour whereas a true gable end could have the potential to be more dominant and imposing. The separation distances are at worst case 14m rising to 17m in others therefore it is considered that the intentions of the policy are achieved. A condition is suggested to restrict any further window openings to this particular elevation.
75. The new property is proposed to be one and a half storey in height and the roof slope would rise away from the neighbour. Given the overall design, that separation distances are considered to be achieved and the minimal land level increases it is not considered that this would create an overbearing situation. The width of the new building would be 7.9m with a first floor link to adjoin it to the redeveloped 60C site. The new build would be viewed largely against the backdrop of existing development at no.59 which fronts on to Claypath. There would still be a break in the built form between the development and no.61 Claypath. No.2 Hillcrest doesn't face true south and is orientated in a slightly more easterly direction. On this basis it would not be directly opposite the new development which is considered to help lessen its impact.
76. In terms of the scale and massing of the reconstructed 60C building it largely reflects the scale and proportions of the original building with a single storey side extension. From the perspective of 2 Hillcrest it would be viewed against the backdrop of the remainder of 60 Claypath and it is unlikely that it would have any significant impact on their amenity. Privacy distances are achieved.
77. Overshadowing is similarly not considered to be a concern due to the aforementioned reasons. Furthermore, the submitted plans demonstrate that there would be no

development within a 45 degree angle of the neighbour's window at Hillcrest apart from the very tip of the two-storey hipped roof slope associated with the rebuilding of 60C.

78. Neighbours have also cited concerns regarding the potential for noise and disturbance to arise given the likely end users of the properties. Although they consider that students will be more noisy and disruptive compared to other tenants it would be unreasonable to prohibit development on this basis of a perceived impact. Unreasonable levels of noise and disturbance would be a matter for the police and cannot be controlled through the planning system

Highways

79. Following detailed discussions between the Agent, Case Officer and Highways Officer, it is considered the Agent acting on behalf of the Applicant has submitted revised drawings to ensure this application may be looked upon favourably.
80. Parking in this part of the city is considered to be satisfactorily controlled as this street falls within the Durham City Controlled Parking Zone (CPZ). Given the location of the development within the city centre there are no requirements placed on new dwellings to provide any in curtilage parking however these properties would not be eligible to apply for parking permits.
81. The proposed development is in a city centre location accessible by all means of sustainable transport. It is noted that the intention is to demolish an existing residential building therefore any new trips from the development could potentially be offset against extant trips, such that it is not considered that the proposal would have a significant impact on trip generation.
82. On site turning and manoeuvring for LGV's and servicing vehicles must be available to allow a vehicle to access, turn and leave in a forward direction however this would not be possible if the three onsite parking bays that were proposed as part of the initial scheme were provided. As such the spaces have been removed from the scheme to allow the creation of a turning area which has addressed the highways officer's concerns. As previously discussed the lack of onsite car parking is not considered to be a concern given the city centre location.
83. The carriageway and footway areas within the site are un-adopted and in an extremely poor state of repair. The proposal seeks to bring these areas up to an adoptable standard through repaving the area which is welcomed by highway officers. Furthermore, it is noted that refuse bins would be stored to the rear of the development. Refuse will be stored to the rear of the site in designated bin storage areas. The highways officer comments that refuse will be collected from Claypath and any storage provision must be within 25m of the highway boundary however has not raised a formal objection to its location rather suggested it may be necessary to establish an access point nearer to the access of the development. The location of the bin storage is around 7m in excess of this distance therefore not excessively over the recommended level. Given that the current storage location can be easily accessed by the properties and it is well screened within the garden curtilages, counteracted by the fact that any reposition is likely to be prominent through the gap in the street frontage, it is not considered that this matter alone would amount to reasons sufficient to refuse the application.

Ecology

84. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on

biodiversity interests. The applicant has submitted a bat survey report and assessed the potential impacts of the development on protected species.

85. The Ecology Section has reviewed the report and considers that the risk to protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 subject to implementing the proposed mitigation strategy.

Other Issues

86. The site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
87. Northumbrian Water note that a public sewer crosses the site that may affect the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and therefore will be contacting the developer direct to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. A standard informative would be added to any planning permission granted to this effect.
88. The Contaminated Land Officer has assessed the available information and historical maps and has confirmed there is no requirement for a land contamination condition.
89. Given the specific site circumstances it is not considered that a landscaping scheme would be appropriate for this site being set back from the main street, hard surfaced to the front of the property and rear amenity areas screened by 1.8m high close boarded timber fencing. For this reason it is not considered necessary to impose a condition on this occasion. Furthermore, the landscape officer has not raised any objection to the scheme.
90. An informative is proposed to advise the Applicant of their responsibility in respect of noise, dust and construction hours.
91. The majority of the concerns raised by the local residents and councillors have been addressed elsewhere in this report. Matters relating to the loss of a view, building regulation requirements and an increase in heating bills to adjacent properties are not material planning considerations.

CONCLUSION

92. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing a significant adverse impact to residential and visual amenity in addition to highway safety. The redevelopment of the site would have significant benefits in terms of the enhancement of the conservation area. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework and saved Policies of the current Local Plan.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved documents. Application form, structural survey by BDN, Bat Survey prepared by Dendra dated 23/06/2015, design and access statement and heritage statement received 29/06/2015, Sheet Number SU-05 Rev. A (Location plan) received 16/07/2015, Sheet Number SK-101 Rev. B., Sheet Number SK-102 Rev. C and Sheet Number SK-105 received 01/09/2015, Sheet Number SK-100 Rev. C received 25/09/2015.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies E6, E22, H2, H9, H13, Q8, T1 and T10 of the City of Durham Local Plan
3. Notwithstanding any details of materials submitted with the application no development shall commence until a full schedule of materials including external walling and roofing materials, external joinery details and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved Policies E6, E22, H2, H9, H13 and Q8 of the City of Durham Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and rooflights shall be submitted to and approved in writing by the Local Planning Authority. The windows and rooflights shall be installed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved Policies E6, E22, H2, H9, H13 and Q8 of the City of Durham Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed at first floor level in the north elevation of the 1.5 storey building.
Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of residential amenity in accordance with saved Policies H2, H9, H13 and Q8 of the City of Durham Local Plan.
6. No development shall take place unless in accordance with the mitigation detailed within section E of the Bat Risk Assessment compiled by Dendra, Dated 23 June 2015.
Reason: To conserve protected species and their habitat in accordance with saved Policy E11 of the City of Durham Local Plan and Part 11 of the NPPF.

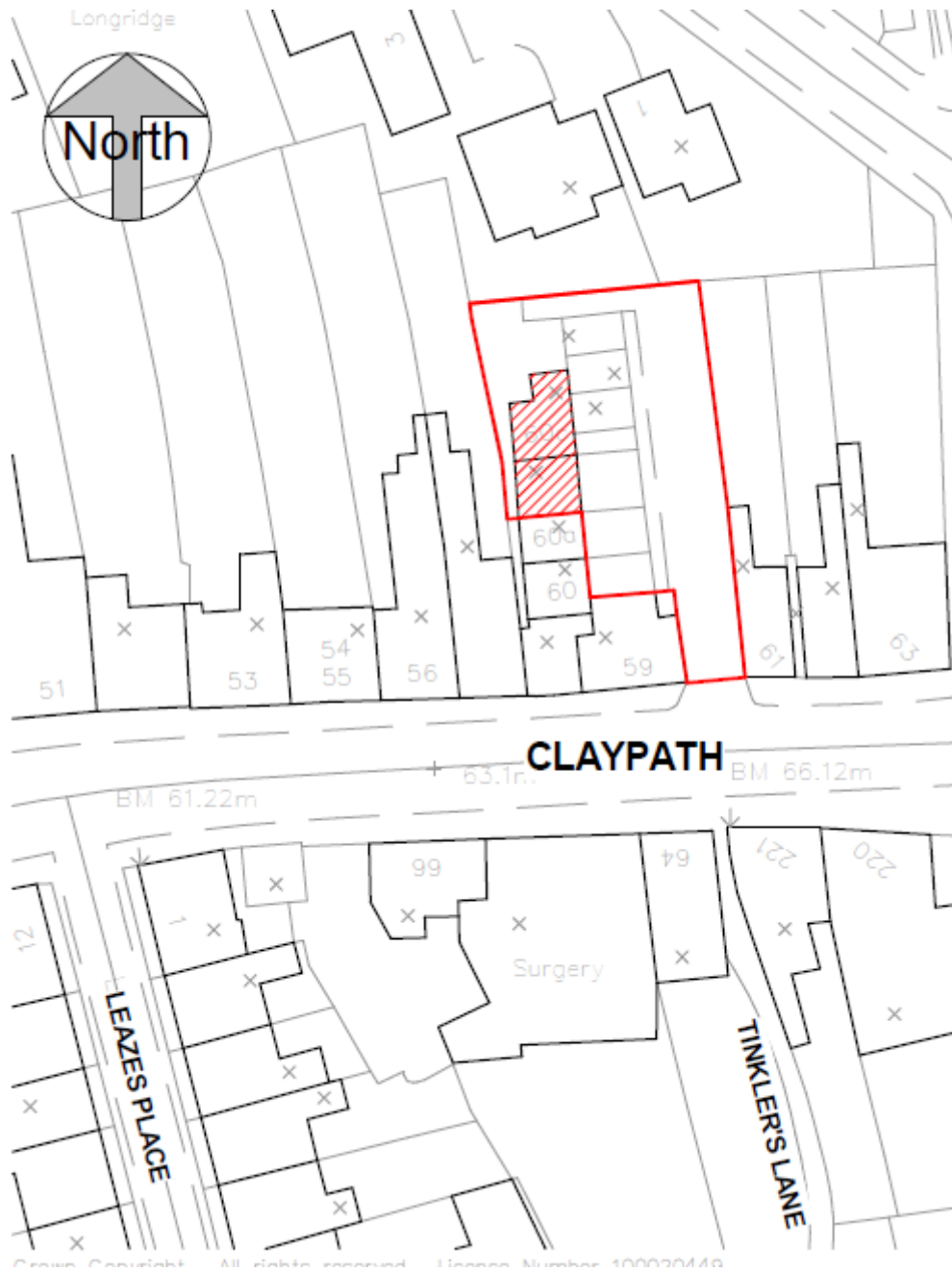
STATEMENT OF PROACTIVE ENGAGEMENT

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



Planning Services

**Demolition of existing two storey end-terrace house and construction of two student flats.
60 B and C Claypath, Durham, DH1 1QS**

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Comments

Date. 13 October 2015

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