

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/03700/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Conversion and extension of former Companions Club building to provide 9 no. residential flats, associated ancillary facilities and parking</b>
<b>NAME OF APPLICANT:</b>	<b>3R Land &amp; Property</b>
<b>ADDRESS:</b>	<b>Durham Companions Club, Ainsley Street, Durham, DH1 4BJ</b>
<b>ELECTORAL DIVISION:</b>	<b>Nevilles Cross</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter</b> <b>Senior Planning Officer</b> <b>03000 263944</b> <a href="mailto:chris.baxter@durham.gov.uk">chris.baxter@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of the Durham Companions Club which is situated on Ainsley Street in Durham City. The Club premises are formed from two buildings. The older building is a two storey rendered brick building with pitched natural slate roof. At ground floor level this building was last used as storage and garaging and at first floor the club extended over with toilet facilities, a committee room and an office. The larger building on site is a two storey concrete frame building with concrete flat roof and brick infill panels.
2. The application site is located within the north western part of Durham (City Centre) Conservation Area on the edge of Flass Vale. It is situated off the main street frontage between Waddington Street to the north and east, and Mowbray Street to the south and east, in a mixed use area, and is approximately 70 metres southwest of the Grade II listed Redhill's Miners Hall. Flass House is located directly to the west. The residential properties on The Bowers are located to the north.

### The Proposal

3. Planning permission is sought for the redevelopment of the site to provide nine residential apartments. The proposals would retain the existing buildings and a third floor would be constructed on the Companions Club with a pitch roof erected. The front (west) elevations would be redesigned to provide residential fenestration and door openings. To the rear (east), the existing openings to the rear of No. 10 Waddington Street would be retained and refurbished. The car park will be retained to the front of the building which will have 10 car parking spaces.

4. This application is referred to the Planning Committee at the request of the Ward Councillor.

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## **PLANNING HISTORY**

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5. Other than some applications for adverts, there is no planning history associated with this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

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

17. *Policy E6 (Durham City Centre Conservation Area)* states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
18. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
19. *Policy E22 (Conservation Areas)* seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
20. *Policy H7 (City Centre Housing)* seeks to encourage appropriate residential development and conversions on sites conveniently located for the City Centre.
21. *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.

22. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
23. *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.
24. *Policy T21 (Safeguarding the Needs of Walkers)* states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.
25. *Policies Q1 and Q2 (General Principles Designing for People and Accessibility)* states that the layout and design of all new development should take into account the requirements of all users.
26. *Policy Q3 (External Parking Areas)* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
27. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
28. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
29. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
30. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
31. *Policy U11 (Development on Contaminated Land)* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

32. Policy U13 (Development on Unstable Land) will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
33. Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

35. *County Highways Authority* has not raised any objection indicating that the site is within the City's controlled parking zone but the Council's parking policy states permits for on street parking would not be available to new residents of the development.
36. *Northumbrian Water* has not raised any objections.
37. *The Coal Authority* has not raised any objections.

#### **INTERNAL CONSULTEE RESPONSES:**

38. *Archaeology* has not raised any objections.
39. *Sustainability Officer* indicates that the development will be built following the energy hierarchy and therefore no objections are raised.
40. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.
41. *Environmental Management (Noise)* has not raised any objections to the proposed development. Conditions are recommended in terms of construction methods.
42. *Ecologist* has not raised any objections to the proposed scheme.
43. *Design and Conservation* has indicated that the proposals would secure a new and long term sustainable future for the site which will not only see the appropriate reuse and conversion of the existing buildings but would see them make a positive rather than the current negative/neutral contribution to the townscape.

44. *Drainage Officer* has not raised any objections to the proposed development.

45. *Public Rights of Way* have confirmed that the proposal would not impact on nearby public rights of way.

#### **PUBLIC RESPONSES:**

46. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. 6 letters of representation have been received from local residents. Letters have also been received from the City of Durham Trust.

47. Concerns are raised in relation to the increase in height and overbearing and overshadowing impacts this would create. Risk of flooding and drainage is considered to be an issue. It is considered by one resident that the scale of development would detract from the character of the conservation area and would have a significant visual impact. The rear elevation is considered unattractive as a blank elevation. There are concerns that the development would become another multiple occupation student development. It has been indicated that the owners of Ainsley House have land registry lease rights to use 4 car parking spaces within the grounds of the Companion Club. Comments have also been made with regards to the status of the planning permission for residential accommodation on the site directly abutting the Companions Club. There are concerns that the communal garden area to the rear of the site might be damaged during construction works.

48. The City of Durham Trust have indicated that they would welcome the extension and conversion of the building providing a condition could be imposed restricting the site to C3 residence. It is noted that the rear elevation requires some relief or variation. The Trust suggests that contribution to artwork should go towards the restoration of nearby well and steps on the way to Flass Street. Conditions are also requested in relation to construction period to avoid any disturbance to local residents.

#### **APPLICANTS STATEMENT:**

49. This development seeks to bring the vacant Companions Club building back into use through refurbishment and extension to provide 9 private residential apartments. The building has been derelict since April 2015 when the Companions Club relocated to Framwellgate Moor – this application represents an opportunity to bring the site back into use whilst providing much needed housing in this area of the City.

50. The application represents a sensitive refurbishment of the existing building that retains the existing footprint and foundations of the structure, this is important as the construction time will be shorter and the disruption to local residents reduced.

51. Redevelopment of this brownfield site has substantial construction costs and as such the proposed extension is a necessity should the vacant building be brought back into use. The views of local residents in relation to the impact of this extension have been taken on board and the roof design has been amended to address concerns. The proposed extension does not have a significant impact on surrounding amenity levels, particularly when the existing buildings and topography of the area are taken into account.

52. The proposals provide a sustainable use of a vacant property and will provide desirable residential properties within the city.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development; impact upon the character, appearance and setting of conservation area and surrounding area; impact on residential amenity; highway safety; ecology and other issues.

### Principle of development

54. The proposals would be the redevelopment of brownfield land within the settlement limits of Durham City for residential accommodation which would be in direct accordance with policy H2 of the local plan. The site is located within close walking distance to shops, public facilities and transport services and therefore the site is considered to be within a sustainable location.

55. The principle of development is acceptable and the proposal would be in accordance with policy H2 of the local plan as well as the sustainable principles of the NPPF.

56. Some concerns have been raised over the proposed flats being used as student accommodation. A condition is recommended removing permitted development rights which will ensure that the flats cannot be converted into a House of Multiple Occupation (HMO). A condition is recommended accordingly.

### Impact upon the character, appearance and setting of the conservation area and surrounding area

57. This application seek full planning permission to redevelop the existing rear part of No.10 Waddington Street and the adjoining Durham Companions Club, Ainsley Street, Durham City to provide no.9 residential units with associated ancillary facilities and parking provision. The application site is located within the north western part of Durham (City Centre) Conservation Area on the edge of Flass Vale, which provides a scenic green backdrop to the urban edges. It is situated off the main street frontage between Waddington Street to the north, and Mowbray Street to the south, in a mixed use area, and is approximately 70 metres southwest of the Grade II listed Redhill's Miners Hall. This part of the city is characterised by Victorian developments, predominantly domestic and commercial buildings with some more recent student accommodation developments.

58. The site consists of essentially 2 built components, the rear of No's 10 to 12 Waddington Street and the adjoining Durham Companions Club. Taking these in turn, No's 10 to 12 Waddington Street are of some significance dating from the late 19th century with the façade of No.12 particularly notable architecturally and contributing positively to the townscape. The adjoining Companions Club is made up of former flat-roofed office/warehouses dating from the 1960/70's built in the site of earlier buildings. The Companions Club could be said to have some communal value given its past as a place of social interaction, but overall this group of buildings have limited historic and no real evidential values while their architectural and aesthetic design merits are low. This equates to the group of buildings possessing little in the way of significance and making a neutral/negative contribution to the designated conservation area. The application site is also of significance due to being firmly within the immediate setting of the Grade II Listed Redhill's Miners Hall built as the Headquarters of the Durham Miners Association in 1913-15, a substantial, handsome and impressive building of the Baroque style.

59. The retention and conversion of the building directly attached to the rear of no.10 Waddington Street is welcomed in view of it having a degree of historic interest which merits its retention and alternative use in an acceptable manner. Given the form, size and interior arrangement of the Companion Club building it would be unlikely that sufficient space could be created within the existing envelope to make conversion economically viable, this and the overall beneficial impact outweighs the negative impact of the additional built mass at high level. Despite the increase a clear hierarchy of subservient architectural forms would be created by height, eaves and ridge level variants, the buildings stepping downwards from right to left, while the existing building lines following the historic development across the site would be maintained. Loss of the existing flat roofs replaced with pitched roofs would be wholly positive as would the changes to the elevational treatments substituting the current out dated and low quality frontages with one's well-ordered, vertically articulated and aesthetically superior.
60. The scheme would breathe new life into the existing out-dated buildings sustaining them in beneficial use and even though there will inevitably be an impact this would be wholly positive resulting in an enhancement to the significance of this part of the conservation area as a designated heritage asset. The impact on the Grade II listed Redhill's Miners Hall would be negated by the depressed nature of the site situated in the bottom of a minor east-west aligned valley, the shielding by vegetation as well as the intervening buildings, and the limited views into and from the site. Due to this lack of intervisibility between the two sites the heritage values of this designated heritage asset and how these values are best appreciated would not be adversely affected by these proposals therefore its significance and setting would be conserved.
61. Given the above comments it is considered that the proposed development would enhance the character and setting of the Durham City Conservation Area and would not have a detrimental impact on the appearance of the surrounding area or nearby heritage assets. Overall the proposal is considered to be in accordance with policies E6, E23 and E22 of the local plan and in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
62. The Design and Access Statement indicates that the finished materials are to be a mix of render, brick with slate roof. Given the site is located within a conservation area, it is crucial that the specific details of the materials are agreed. A condition is therefore recommended for all materials to be submitted to and agreed prior to works commencing on site.

#### Impact on residential amenity

63. The neighbouring properties on the properties to the west (Flass House & The Bowers) are located over 35 metres from the proposed development which ensures adequate levels of privacy are maintained and no overbearing or overshadowing impacts will be created. To the south and east of the development is the rear of the terraced properties on Mowbray Street and Waddington Street. At present there are windows along the east boundary of the building which face onto the rear of the neighbouring properties. The majority of the windows along the east elevation are to be removed. Those windows which are to be retained would be fitted with obscure glazing which will ensure there will be no loss of privacy to neighbouring dwellings.
64. An additional floor is to be created on the south east section of the building which has the potential to create some overbearing and overshadowing impacts on the



residential properties on Mowbray Street. In particular, neighbouring property No. 5 Mowbray Street has a first floor window which is located five metres from the south east corner of the Companions Club building. The increase of the Club by an additional floor would have an impact on the rear of Mowbray Street, in particular No.5. Separation distances guidance are clearly not met. The assessment which therefore needs to be made is whether the additional floor would have an adverse impact on neighbouring properties which would be sufficient to justify refusal of the application. Given the surrounding area is predominantly terraced properties, separation distances between properties are significantly lower than the separation distances stated in policy guidance. The pattern of development of the terraced properties in this area is generally close knit and intimate with some existing properties having similar separation distances to the five metre separation between the proposed development and No. 5 Mowbray Street. The existing building is also considered to have a negative or at the most a neutral impact on the conservation area, and the proposals would enhance the character and appearance of the conservation area. Given there are examples of similar separation distances in the near locality and the benefits which the scheme will provide in terms of enhancements to the conservation area, it is considered on balance that the impacts of the additional floor on the properties on Mowbray Street would not be sufficient to warrant refusal of the application.

65. Given the site is surrounded by residential properties, there is the potential for disturbance to residential amenity during construction period. A condition is recommended restricting construction times. A condition requiring the submission and agreement of a construction management plan will also ensure the construction of the development limits the impact and disturbance on surrounding residential properties.

#### Highway safety

66. The proposed development is in a highly accessible location being close to all the City's transport hubs and facilities. The former site provided off street parking facilities and the new development would provide provision of 10 car parking spaces. The applicant has acknowledged that four of the spaces would be required for use by the adjacent business premises at Ainsley House. The proposed parking provision is considered acceptable and the Highways Officer has not raised any objections to the proposals. It is noted that the site is within the City's controlled parking zone and the Council's parking policy states that permits for on street parking would not be available to new residents of the development.
67. It is also noted that as part of the proposed development, the footpath which runs along the front of the site is to be increased in width. This is welcomed by the Public Rights of Way Team as it provides improved footpath facilities where it is currently at a restricted width.
68. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety and the scheme is considered acceptable. The proposal would not be contrary to policies T1, T10, and T21 of the local plan.

#### Ecology

69. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
70. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and where this is likely to be an interference with an EPS must consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
71. A Bat Survey of the site has been submitted with the application. This survey concludes that the no bats were seen to emerge from, swarm around or roost within the buildings on site during the surveys. The buildings have limited potential to support small numbers of crevice roosting bats at times during the bat activity season, however due to the proximity of known roosts and low levels of bat activity in the wider area this use is considered to be unlikely. The County Ecologist has not raised any objections to the findings of the survey. Consequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. In particular, as there is unlikely to be a disturbance of a European Protected Species, it is not necessary to apply the derogation tests to come to a view on whether a licence may be granted. A condition is recommended for the mitigation strategy within the Bat Survey to be adhered to.

#### Other issues

72. Drainage and flooding has been raised as a concern by some locals. It is noted that the Council's Drainage Officer and Northumbrian Water have not raised any concerns with regards to the proposed drainage from the site. In terms of flooding, it is not considered that the proposed development which is a conversion of an existing building with additional extension would create any further adverse flooding issues in the area.
73. The City of Durham Trust had made some comments in relation to developer contributions to public art. Contributions towards public art can only be required on major residential schemes, where 10 or more units are being created. Contributions towards public art or recreational facilities cannot be required from this development. It is understood however that the developer has engaged with the local community and it has been agreed that the developer will remove the redundant garage building to the rear of the site. The removal of this redundant garage does not fall within the scope of this planning application however the developer has agreed with local residents to remove the garage as a gesture of good will which will improve the appearance of the area.
74. A local resident has questioned the status of a planning permission directly adjacent to the application site. Permission has been granted for residential accommodation

on the adjacent site. Officers assessment is that this permission remains extant as building operations have taken place on site. The status of the permission on the adjacent site does not have any material bearing on the assessment of the proposals in this application. Another resident has stated that during the public consultation event held by the developer, it was agreed that any damage done to the communal garden during development would be restored. The local resident has requested that a condition be imposed ensuring that these restoration works are undertaken. This issue is a civil matter and a condition could not be imposed in this regard.

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## CONCLUSION

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75. The proposed development is considered acceptable in principle as it is the redevelopment of a brownfield site sustainably located in an area which has existing residential use. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
76. The proposed development has been sensitively designed and it is considered that the proposal would enhance the character and setting of the Durham City Conservation Area and would not have an adverse impact on the appearance of the surrounding area. Overall the proposal is considered to be in accordance with policies E6 and E22 of the local plan.
77. The proposed development would not result in the loss of privacy to neighbouring properties. There are some residential properties which are in close proximity to the application site however the general pattern of development in the area provides other examples of buildings which have similar separation distances. In addition to the positive contribution the development would make to the conservation area, it is considered on balance that any overbearing or overshadowing impacts created would not be sufficient to refuse planning permission in this instance.
78. Ten car parking spaces are to be provided within the curtilage of the site which will be used for residents of the new development as well as the adjoining business at Ainsley House. The scheme will provide footpath improvements along the front of the site by widening the existing narrow footpath. It is considered that the proposed development would not have an adverse impact on highway safety in the area and the proposal would not be contrary to policies T1, T10 and T21 of the local plan.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of commuted sums towards open space, recreational facilities and public art in the locality and subject to the following conditions;

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

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

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
010-03	Proposed Ground Floor Plan	27/11/2015
011-02	Proposed First Floor Plan	27/11/2015
012-03	Proposed Second Floor Plan	27/11/2015
016-01	Site Sections	27/11/2015
013-03	Proposed Roof Plan	27/11/2105
001	Location Plan	27/11/2015
002	Site Plan	27/11/2015
TPP	Tree Protection Plan	27/11/2015
AMS EXI	Tree Survey	27/11/2015
015-05	Proposed Elevations	27/01/2016

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

- No development shall take place until a construction management plan, which identifies delivery operations, has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

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

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

*Reason: In the interests of the appearance of the area and to comply with policies E3, E6 and E22 of the City of Durham Local Plan.*

- The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and agreed in writing by the local planning authority. The scheme shall include the following:

#### Pre-commencement

- A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by a competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination;
- If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by a competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the local planning authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the local planning authority and the development completed in accordance with any amended specification of works.

#### Completion

- c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the local planning authority within 2 months of the first occupation of the development.

*Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) no change of use of the hereby approved residential accommodation from use class C3 (dwelling houses) to use class C4 (houses in multiple occupation) shall be carried out.

*Reason: In order that the local planning authority may exercise further control to prevent overconcentration of houses in multiple occupation having regard to the need to deliver inclusive and mixed communities as identified in Part 6 of the National Planning Policy Framework.*

7. No development shall take place unless in accordance with the mitigation detailed in the 'Bat Activity Survey Report' dated July 2015 by Tina Wiffen.

*Reason: To conserve protected species and their habitat in accordance with policy E16 of the City of Durham Local Plan.*

8. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

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## **BACKGROUND PAPERS**

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



**Planning Services**

**Conversion and extension of former Companions Club building to provide 9 no. residential flats, associated ancillary facilities and parking at Durham Companions Club, Ainsley Street, Durham, DH1 4BJ Ref: DM/15/03700/FPA**

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**Date**  
**9<sup>th</sup> February 2016**