



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

12 May 2009

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
PL/5/2009/01 19 Mr C Angus	Building Rear Of Crimdon Terrace Blackhall	Conversion and refurbishment of dwelling (resubmission)	APPROVE Page No. 2 - 10
PLAN/2008/0 714 Diocese Of Hexham And Newcastle	Our Lady Star Of The Sea RC Primary School Thorpe Road Horden	Rebuilding of school and associated sports pitches	APPROVE Page No. 11 - 19
09/0164/FPA Sainsburys Supermarket Ltd	Sainsburys Supermarket Arnison Retail Centre Pity Me Durham DH1 5GD	Erection of extensions to store with associated car park amendments and landscaping	APPROVE Page No. 20 - 28
09/0176/FPA J A Properties Ltd	Land Adjacent 81 High Street Carrville Durham	Erection of two storey building, comprising 2 no. A1 retail units ground floor, two residential units above	REFUSE Page No. 29 - 37

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0119
FULL APPLICATION DESCRIPTION:	CONVERSION AND REFURBISHMENT OF DWELLING (RESUBMISSION) at BUILDING REAR OF CRIMDON TERRACE, BLACKHALL
NAME OF APPLICANT:	MR C ANGUS
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER	Grant Folley: grant.folley@durham.gov.uk : 0191 5274322

DESCRIPTION OF THE SITE AND PROPOSALS

The existing building subject to this application is situated at the rear of Crimdon Terrace, on the Coast Road to the south of the village of Blackhall. The building appears to have been originally constructed as stables with hayloft above, most recently it has been used in association with previous market garden and building merchant's uses. There is little planning history in relation to the site, and it is understood that the building has been vacant for a number of years.

The building is primarily single storey with a small first floor element at the eastern end, and is finished in red brick with red pantile roof tiles. A section of the original building appears have been demolished as a small area of hard standing and the remains of walls are visible at its western end.

The application site includes an area of grassed land to the south of the existing building which does not appear to be in use. The site also includes an area of land situated between two gardens serving properties on Crimdon Terrace, which is currently fenced off from the rest of the application site and appears to be used as an informal parking area for the adjacent residential properties.

The current application represents a resubmission of a previously refused application (see relevant planning history). In order to overcome the previous reason for refusal, the access arrangements have been amended.

Planning permission is sought for the conversion of the existing building to form a single dwelling house. The proposal includes the re-build of an original part of the building on its current western gable, to be completed in materials to match the existing building. The proposed conversion and minor re-building works will provide a modest two-bedroom property, the use of the land situated to the south of the existing building is proposed as a private garden.

Access will be provided to the property from an existing access road which currently serves the residential property known as The Beacon, sited to the south west of the application site. The access road leads from the A1086/ Coast Road situated to the east of the application site. The access route will pass to the south of No. 12 Crimdon Terrace.

PLANNING HISTORY

PLAN/2008/0511 – Conversion and Refurbishment of Dwelling – Refused 24/02/2009

This application was refused for the following reason:

The proposed access arrangements for the conversion will have a detrimental effect on highway safety. The proposed access road will be dangerous for users of the rear lane of Crimdon Terrace as it will cross the existing highway and impact on parking and access arrangements for existing occupants. The proposal is considered to be contrary to saved policies 1 and 35 of the District of Easington Local Plan.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Northumbrian Water – No objections

INTERNAL CONSULTEE RESPONSES:

Highway Authority – The proposed access arrangements appear to be reasonable and acceptable.

Structural Engineer – All structural repair and consolidation work should be complete before any other building works commence.

The recommendation report for Committee was finalised before all responses had been received. Any further comments will be report to Members at the Committee meeting.

PUBLIC RESPONSES:

A site notice has advertised the application and neighbour consultation letters have been sent. Three letters of representation have been received in relation to the application. Objections have been raised on the following grounds:

- The building to be converted is unsuitable for conversion and contrary to the applicant's statement has never been a dwelling.
 - The sewer to which this property is to connect to is already over capacity.
 - The proposed development could cause flooding for the residents of Crimdon Terrace.
 - The proposed conversion will affect wildlife that currently uses the building.
 - The proposed access arrangements are dangerous, and are not capable of accepting an increased traffic flow.
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- The proposed development will act as a precedent for future development of the land at the rear of Crimdon Terrace.

At the time of finalising the recommendation report for Committee the public consultation period had not expired. Any further comments received will be reported to Members at the Committee meeting.

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=103732>

PLANNING CONSIDERATIONS AND ASSESSMENT

This application represents the resubmission of a previously refused application. The previous application was refused due to concerns over the proposed access arrangements. The current proposal sees an amended access arrangement for the development. The main issues in determining this application are considered to be:

- Relevant Development Plan Policies
- Access
- Protected Species
- Public Representations

Relevant Development Plan Policies

As the proposed development lies outside of the settlement boundary for Blackhall the proposed works are considered to represent development in the countryside.

Policy 3 of the District of Easington Local Plan is intended to protect the countryside and outlines the council's approach to development outside of settlement boundaries. It states that other than where allowed for under specific policies development in the countryside will not be approved.

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas.

PPS7 states that the Government's policy is to support the re- use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. PPS7 states that the criteria to be assessed when determining a proposed conversion of an existing building to residential should include: the potential impact on the countryside and landscape and wildlife; specific local economic and social needs and opportunities; settlement patterns and accessibility to service centres, markets and housing; the suitability of different types of buildings, and of different scales, for re-use; and, the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Planning permission is sought for the conversion of an existing structure most recently used for the storage of materials associated with a builders yard, to form primarily a single storey residential dwelling. The proposed works will involve some new build, with a relatively small extension being provided on an existing area of hard standing adjacent to the western gable

of the existing building. The application site is situated adjacent to a group of existing residential properties, with direct access being provided onto a main road, which is served by a local bus service with links to Blackhall and Hartlepool. The building to be converted is considered to be suitable for conversion and is structurally sound. The amount of new build proposed is considered to be relatively minor and not sufficient to warrant consideration of the development as a new build. The proposed works are considered to accord with the relevant development plan policies with regard to the conversion of existing buildings in the countryside for residential purposes. The proposal is therefore considered to accord with advice contained within Local Plan Policy 3 and PPS3 and PPS7.

Access

The previous planning application received in relation to this site was refused on the grounds that the access arrangements would adversely affect highway safety as well as parking and access for existing occupants of Crimdon Terrace.

The current application features a revised access arrangement over the previously refused scheme. Whereas previously the access was to pass between Nos. 6 and 7 Crimdon Terrace, access is now to be gained from the current access track that leads to the residential property known as The Beacon situated to the south west of the application site, passing to the south of No.12 Crimdon Terrace. Other than where access is already provided for the residential property known as The Beacon, the relocation of the access means that no vehicular traffic will cross the existing lane at the rear of Crimdon Terrace. The re-location of the access also means that an area of land currently used for parking will be untouched by the proposals. It is considered that the re-location of the access has satisfactorily overcome the previous reason for refusing the application.

The Highways Authority has been consulted on the application and has raised no objections to the proposed scheme. Highways Authority Officer have however, pointed out that the proposed access road will involve the re-location of a telegraph pole within the application site. Although this is not considered to be an issue in determining this application the applicant has been made aware of this requirement.

Protected Species

As the proposed works involve the conversion of an existing building, the effect the development may have on protected species needs to be considered. The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to information submitted in support of the application it is accepted that any risk to bats or owls will be acceptable providing a condition is attached to any grant of planning permission ensuring that the works are carried out in accordance with the mitigation measures outlined in the submitted ecological report.

Public Representations

As stated in the Consultation and Publicity section of this report the recommendation report for Committee was finalised prior to the consultation period expiry.

Three letters of representation have been received in relation to the current proposal.

Alongside this, several letters of representation were received in relation to the last application. Due to the fact that the public consultation period had not expired when this report was finalised, it is considered relevant to discuss the previous objections in this report.

Concerns were raised regarding the access arrangements and impact of wildlife, which as already stated in this report are considered acceptable. Concerns were also raised regarding the proximity of the proposed house to those existing on Crimdon Terrace, and the likely loss of privacy for existing residents. It is considered that the proposed development is in accordance with guidance contained within the Local Plan in relation to the spacing of residential properties and privacy distances.

Residents also raised concerns regarding the impact the proposed building works may have had on the existing residential properties situated down slope on Crimdon Terrace, by way of drainage issues and structural problems. The effect that any building works may have on adjacent dwellings, in terms of movement or structural damage, would be a matter for the developer and is not a planning consideration that should be assessed in determining this application. In any event, no evidence has been provided to support the objections, and there is no reason to expect the proposed development to result in any structural problems for adjacent properties. In terms of concerns in relation to drainage, the applicant has confirmed that a connection will be provided to the main sewer to the east of the site; Northumbrian Water has raised no objections to the proposal. As such it is not considered that the proposed building works should have any detrimental effects in terms of drainage or structural problems sufficient to warrant refusal of the application.

Finally concerns were also raised regarding service (water/gas/electricity) provision on the site and requirements to access adjacent properties to complete building works. These are not considered to be issues, which should be considered when determining planning applications, and are matters for the developer to resolve.

CONCLUSION

The current application represents the resubmission of a previously refused application. The changes made to the access arrangements on the current application are considered to overcome the previous reason for refusal. The re-location of the access road to the south of Crimdon Terrace will ensure that the proposed works do not impact on highway safety or parking for the residents of Crimdon Terrace.

The proposed development is considered to represent the acceptable conversion of an existing building to form a dwellinghouse. The proposed works will result in the re-use of a currently vacant building to the benefit of the character of the area. Subject to the suggested conditions, planning permission should be approved.

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.

2. Notwithstanding any details of materials submitted with the application no development shall commence until 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 be constructed in accordance with the approved details.

3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

4. 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 development falling within Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

5. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

7. No development shall take place unless in accordance with the mitigation detailed within the protected species report Bat and Barn Owl Risk Assessment For the Cottage to the Rear of Crimdon Terrace – Veronica Howard- January 2009, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.

8. Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved in writing by, the Local planning authority. This shall include details relating to: structural repair and consolidation work to the upper masonry panels, foundation underpinning and the formation of any openings in the existing walls. Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local planning authority.

REASONS FOR THE DECISION

1. The development was considered acceptable having regard to the following

development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN
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DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE

ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues of Access ad Nature and Conservation.
3. The stated grounds of objection concerning access, wildlife, flooding/drainage, structural impact of development, and residential amenity were not considered sufficient to lead to reasons to refuse the application that outweighed the policy support for the proposal.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS9
- Consultation Responses



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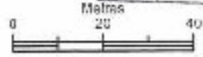
The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.

DISTRICT OF EASINGTON
PLANNING & BUILDING CONTROL
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10 MAR 2009

COPY TO:



Scale 1:1250

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Serial number: 00041000
Centre coordinates: 447250.5 638270.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk

District of Easington
The Beacon
Coast Road
Blockial T527 45H

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	PLAN/2008/0714
FULL APPLICATION DESCRIPTION:	REBUILDING OF SCHOOL AND ASSOCIATED SPORTS PITCHES at OUR LADY STAR OF THE SEA RC PRIMARY SCHOOL THORPE ROAD, HORDEN
NAME OF APPLICANT:	MR DENNIS MCNALLY, DIOCESE OF HEXHAM AND NEWCASTLE
ELECTORAL DIVISION:	Horden North
CASE OFFICER	Grant Folley: grant.folley@durham.gov.uk: 0191 5274322

DESCRIPTION OF THE SITE AND PROPOSALS

The application relates to Our Lady Star of the Sea School situated on Thorpe Road in Horden. The existing school is situated on the edge of the settlement of Horden within a predominantly residential area.

The school site area is approximately 1.7 Hectares, and the existing buildings have a floor area of 1,224 sq. metres. The applicant has stated that the existing building is suffering from structural problems, and as a result of a structural engineer's recommendation two of the classrooms are currently out of use because of possible danger for pupils.

The existing school was built over fifty years ago, with various extensions added over the years to accommodate increases in pupil numbers. Various works have also taken place to ensure the building meets new requirements for school buildings. Due to the structural problems with the existing building, it is proposed that a new school building be constructed. The existing building would be retained during the construction phase of the new build, with the school eventually being transferred to the new building subject of this application. The existing school buildings would then be demolished and converted to playing fields to compensate for the loss of the facilities lost to the new building.

The new building is to be situated to the east of the existing building on the site of the existing playing field. The proposed new building has been designed to accommodate the

existing number of pupils and comply with current building standards. The floor area of the new building would be 952 sq. metres. The new school is to be of a cavity wall construction, steel frame and pitched roof. All doors and windows would be a combination of PVC and Aluminium. The proposed building is to be a single storey structure, with a raised roof over the proposed assembly hall.

PLANNING HISTORY

None relevant.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

LOCAL PLAN POLICY:

District of Easington Local Plan (2001)

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

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

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

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

Policy 89 - The development of new and the extension of existing leisure, sport and community facilities within settlements will be approved where it does not affect the amenity and character of the area, does not affect local amenity, accords with policies 36 and 37 and can be served by public transport.

Policy 90 - Development resulting in the loss of outdoor sports facilities will not be approved unless it would enable enhancement of the remaining land, alternative provision of equal or enhanced benefit is provided, development involves provision of new related outdoor facilities and there is an excess of such facilities in the area.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Sport England: Formally objects to the application on grounds that the development will lead to the permanent loss of part of an existing playing field. Discussions are on-going between the applicant and Sport England in relation to this issue. At the time of finalising the recommendation report no agreement had been reached; it is hoped that the matter can be resolved by the date of the committee meeting, and Members will be advised of progress.

Northumbrian Water: No objections subject to a condition dealing with the discharge of surface water being attached to any grant of planning permission.

INTERNAL CONSULTEE RESPONSES:

Highways Authority: No objections to the proposed works. The parking provision and access arrangements are acceptable. Features such as the parents waiting shelter and cycle parking arrangements are welcomed and should promote walking/cycling to and from the school. There is no evidence that the proposed works will generate additional vehicular or pedestrian traffic to the site and as such a School Travel Plan is not required, nonetheless the school has an existing Travel Plan and the Headteacher is currently in discussions with officers regarding updating the Plan as a result of the current proposals.

Environmental Health Officer: The hours of construction should be controlled to protect the amenities of adjacent occupants.

PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice. Neighbour consultations have also been sent. One letter of representation has been received. No objections have been raised to the scheme, although questions have been asked regarding:

boundary fencing; trees and hedges on the site; potential rodent migration during construction; and, possible impact on electricity supply for adjacent residential properties.

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=102650>

PLANNING CONSIDERATIONS AND ASSESSMENT

The relevant issues in determining this application are considered to be:

- Relevant Development Plan Policies
- Design and Layout
- Residential Amenity
- Sport and Recreation
- Nature, Conservation and Landscape
- Traffic Access and Parking
- Sustainability

Relevant Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where regard is to be had to the Development Plan for the purpose of determining planning applications, decisions must be made in accordance with the Plan unless material considerations indicate otherwise.

The proposed school would be located on an established school site within the settlement boundary of Horden and continued education use is acceptable in principle in this location. The site is not allocated for any specific purpose within the District of Easington Local Plan but Policy 89 of the Local Plan makes provision for the development of new leisure, sports and community facilities within existing settlements. Policy 90 states that development which would result in the loss of an area of outdoor sports facilities will only be permitted if this results in the provision of alternative or enhanced outdoor sports provision. Policy 1 relating to general principles covering the location, design and layout of new development, Policy 35 relating to the impact of development and Policies 36 and 37 relating to design for access and parking respectively are also of relevance.

In terms of sustainable development, Policy 38 of the North East Regional Spatial Strategy (July 2008) encourages planning proposals to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice and BREEAM (Building Research Establishment Environmental Assessment Method) rating. Policy 38 also requires major developments to incorporate a minimum 10% of energy supply from renewable sources.

Design and Layout

The proposed school would replace existing buildings of 1960s school design that are undistinguished but not prominent. The position of the proposed school to the east of the site is dictated by the need to continue use of the existing school during the construction phase.

Within this framework the proposed scheme would respond well to its surroundings. Its single storey scale would reflect the needs of the primary school age user group and maintain a required sense of proportion. The proposed design of the building incorporating pitched roof is considered acceptable for this location.

Although the proposed school would be relatively close to Sunderland Road it would not be prominent along this route, due to the presence of a mature planting belt along the eastern boundary which screens views into the school. The school would also be at a lower level than the existing school buildings. The main orientation and public aspect of the building is towards the south where it has visual links with the adjacent residential development. It is considered overall that the design approach would enable the proposed school to be successfully consolidated in a manner that provides a sense of identity and presence and appropriate integration with its wider surroundings.

Residential Amenity

The site is directly bordered by residential development to the north west situated on Thorpe Road and across Thorpe Road to the south. The repositioning of the school on the eastern side of the site would largely improve the relationship to neighbouring properties. The closest properties to the proposed building would be across Thorpe Road at a distance of approximately 50 metres. The new school building would be largely single storey with a west east layout that presents an end elevation of reduced bulk when viewed from the south. Given these factors and its separation from neighbouring properties it would not give rise to any adverse amenity impacts; and due to the relocation of the school away from residential properties sited to the north west, amenity may be improved for some adjacent occupants.

As the application is for the replacement of an existing school with similar pupil numbers, it is not considered that the development will increase any activity around the school to the detriment of neighbouring occupants. In order to protect residential amenity during the construction phase of the development it is suggested that construction hours are controlled in line with Environmental Health officer comments.

Sport and Recreation

Sport England have raised concerns in relation to the loss of sports playing fields as a result of the proposed development. A formal objection has been raised which requires that if Members are minded to approve the application it will need to be referred to the Government Office for the North East Region. The applicant has stated that previous discussions with Sport England at a pre-application stage did not raise such concerns, and have argued that the proposed development as a whole including the subsequent demolition of the existing school and creation of new playing fields, will not result in the loss of any playing fields.

Officers understand that the applicant is currently in discussion with Sport England with regard to reaching agreement on this issue. At the time of finalising the recommendation report, no agreement had been reached. Members will be advised at the committee meeting in relation to this issue.

Nature Conservation and Landscape

The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to the current proposal an ecological report has not been submitted as part of the application, as such the application could be considered to be contrary to the relevant advice. However, following discussions with the applicant, Officers have agreed that due to the proposed phasing of the works, and funding requirements and associated timing constraints it would be acceptable in this instance for survey work and any required

mitigation measures in relation to protected species to be secured through the use of a planning condition.

The application shows that the existing trees and hedgerows on the site are to be retained. It is proposed that a landscaping scheme be required through the use of a planning condition. Landscaping works will have benefits for visual amenity and wildlife and ecology.

Traffic, Access and Parking

This application is for the erection of a new school to replace the existing buildings on the site. The development will not lead to any increase in pupil or staff numbers and as such it is not expected to have any impacts on traffic in the locality. The Highway Authority has agreed the access arrangements and parking provision. Features such as the parents waiting shelter and cycle parking provision are welcomed and should encourage walking/cycling to the school.

As the application relates to a replacement school there is no requirement for a School Travel Plan, although it is understood that the Headteacher is in discussions with council officers to update the plan in relation to the current proposal.

Sustainability

Sustainable development principles have been embedded within the scheme and the detailed design would be subject to a BREEAM schools assessment. Policy 38 the North East Regional Spatial Strategy (July 2008) requires major developments to incorporate a minimum 10% of energy supply from renewable sources, in this regard it is suggested that a condition be attached to any grant of planning permission to ensure that requirement is met.

CONCLUSION

The proposed new school is intended to replace the existing school on the site. The school would be provided in a form that sits comfortably on the site in a visually pleasing manner and that pays reference to and respect for the surrounding area in design and amenity terms.

The proposed development is considered to be acceptable with regard to traffic, access and parking, and subject to the suggested conditions, is also acceptable in terms of nature and conservation, landscaping and sustainability.

However, at the time of finalising the recommendation report for Committee discussions were on-going in relation to the Sport England objection to the loss of sports playing fields on the site.

Subject to the Sport England objection being removed, it is considered that the application should be supported by Members, as it is acceptable in all other respects.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. Notwithstanding any details of materials submitted with the application no development shall commence until 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 be constructed in accordance with the approved details.
 3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details.
 4. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
 5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
 6. No development shall take place until an ecological assessment of the site has been completed. The ecological report will assess the impact the development will have on protected species, and if necessary suggest measures to mitigate any impacts. No development must take place unless in accordance with the mitigation detailed within the ecological report including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.
 7. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
 8. In relation to the development hereby permitted, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 to 1800 hours Mondays to Fridays (excluding Bank Holidays) and 0800 to 1300 hours on Saturdays, unless approved in writing in advance by the Local Planning Authority.
 9. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the

development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

REASONS FOR THE DECISION

1. The development was considered acceptable having regard to the following development plan policies:

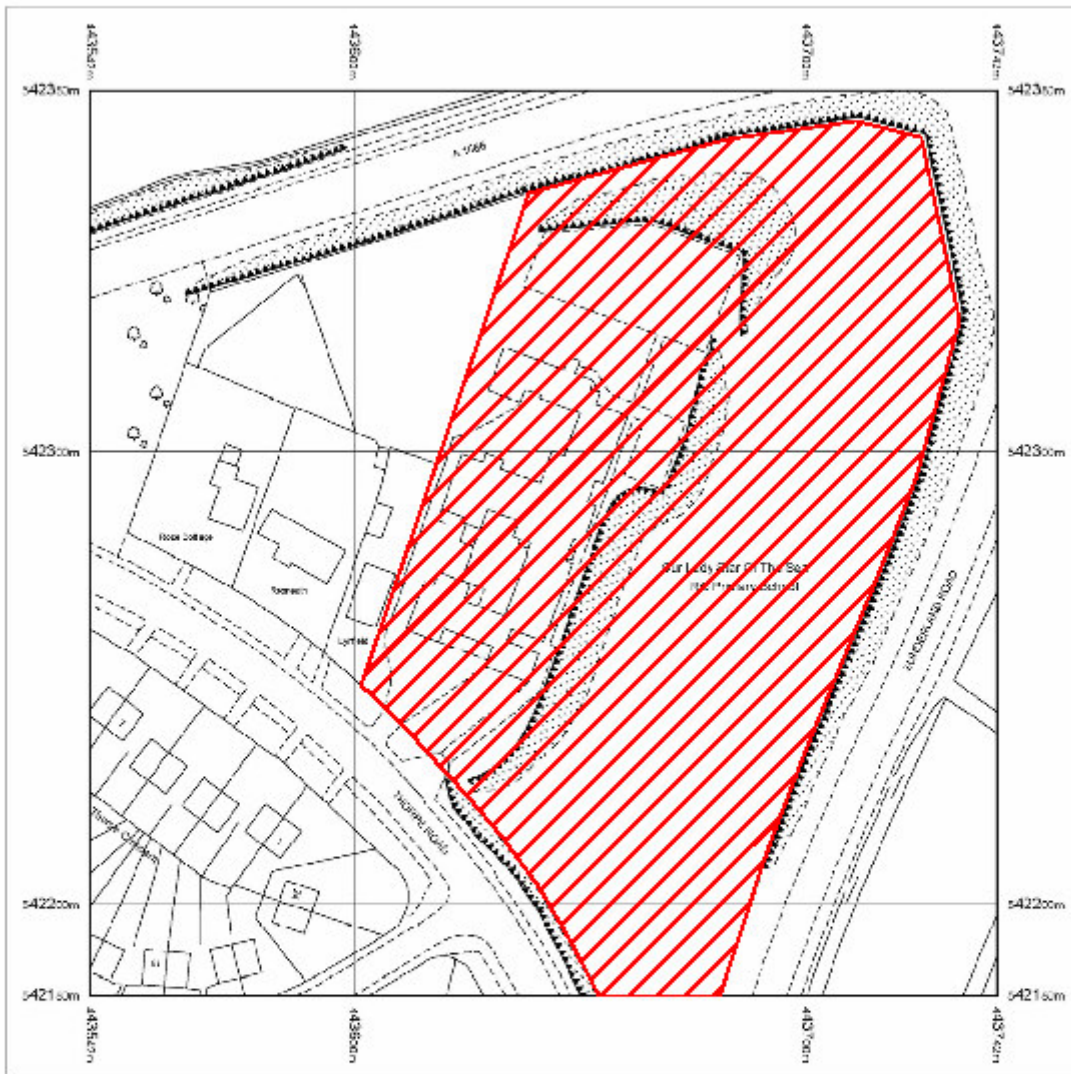
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PLANNING POLICY STATEMENT/GUIDANCE
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DISTRICT OF EASINGTON LOCAL PLAN

ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development
REC89 - Development of new or improved leisure and community buildings
REC90 - Protection and provision of outdoor sports facilities

2. In particular the development was considered acceptable having regard to consideration of issues of Design and Layout, Residential Amenity, Sport and Recreation, Nature, Conservation and Landscape, Traffic Access and Parking, and Sustainability.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1
- Consultation Responses



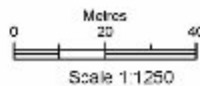
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 Location Plan**

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00164/FPA
FULL APPLICATION DESCRIPTION:	Erection of extensions to retail store, with associated car park amendments and landscaping at Sainsburys Supermarket, Arnison Retail Centre, Pity Me, Durham.
NAME OF APPLICANT:	Sainsbury's Supermarket
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Peter Herbert peter.herbert@durham.gov.uk 0191 301 8723

DESCRIPTION OF THE SITE AND PROPOSALS

The Arnison Centre lies at the north western edge of Durham City and is a well established District Shopping Centre.

Sainsburys Supermarket enjoys a prominent position within the shopping centre close to its eastern boundary. Immediately to the north and east of the building lies car parking. To the south east is an attached service yard, to the south the recently refurbished Mercia Retail Park that now forms part of the Arnison centre, and to the west lies additional retail units beyond a service road incorporating a bus access route.

The applicants seek to extend their store by 2194 sq m, split between 432 sq m of convenience goods and 1762 sq m of comparison goods. This would increase the store's gross internal floorspace to 9375 sq m.

This would be achieved by extending the existing building to the east and south, into car park and service yard respectively, with minor modifications and enlargement to the existing frontage and main entrance lobby on the store's north elevation.

Revised internal arrangements would include the relocation of the store's restaurant to first floor mezzanine level.

In terms of scale and elevations, the extensions and remodelled entrance would reflect the style of the existing building. The palette of materials would include new glazing between existing brick piers, metal cladding and brickwork.

These proposals would result in a reduction of parking provision within the Arnison Centre to the extent of 41 spaces. However, of the 492 spaces remaining, there would be an additional disabled parking allocation of 6, raising the total to 24.

The applicants state that the enlarged store would allow additional jobs to be created, with the current number of 387 full and part time staff being increased to 467.

This application is supported by a Planning and Retail Statement, Design and Access Statement, Flood Risk Assessment, Transport Statement, Draft Travel Plan, Sustainability Statement, Tree Survey, and Statement of Community Involvement.

PLANNING HISTORY

Outline planning permission for the Arnison Retail Centre was granted in 1987.

Subsequently reserved matters approval was granted for the Sainsburys store in 1989.

Although the store has not substantially changed since first built, it has received minor alterations, including a small extension in 1996.

In 2005 planning permission was granted for the redevelopment of the adjoining Mercia Retail Park, which now has a vehicular link with the Arnison Centre. Both parks now trade as one.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 6: Planning for Town Centres sets out the Government's broad policy objectives in relation to town centres. These include the prioritizing of retail centres, and policies directed towards achieving these objectives

Planning Policy Guidance 13: Transport has as its objectives the integration of planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognize that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Statement 22: Renewable Energy sets out the Government's planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

Planning Policy Statement 25: Flood Risk outlines Government policy on development and flood risk. A flood risk assessment should be carried out for all development proposals on sites comprising one hectare or over, addressing amongst other issues the potential to increase flood risk elsewhere through the addition of hard surfaces.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 2 seeks to encourage planning proposals to be sustainable, and to meet specified environmental objectives.

Policy 40 requires new development, including major retail proposals, to have embedded within them a minimum of 10% energy supply from renewable sources.

LOCAL PLAN POLICY:

City of Durham Local Plan 2004 Policy S1A (Retail Hierarchy) seeks to protect and promote the vitality and viability of Durham City Centre.

Policy S9A (Arnison/Mercia District Centre) allocates the Arnison Retail Centre as a District Shopping Centre.

Policy T1 (Traffic Generation – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property.

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.

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.

Policy Q1 (General Principles – Designing for People) states that the layout and design of all new development should take into account the requirements of all users.

Policy Q7 (Layout and Design – Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their location.

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 ([link to webpage](#))

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Highway Authority accepts as safe and reasonable the level of traffic generation predicted to be associated with this proposal, both within the site and on the local road network, and does not consider the reduced level of parking to be harmful.

The contents of the submitted Transport Assessment are accepted, but the Draft Travel Plan proposals, which have been examined by the Highway Authority's Travel Plan Advisor, do fall a little short of the ideal, primarily due to a lack of commitment. However, this is an issue that can be resolved through negotiation; therefore it should not be an obstacle to a planning consent provided it is conditional upon a finalised Travel Plan being in place before the store extension is occupied.

Northumbrian Water offers no objections to this proposal.

The Environment Agency accepts the conclusions of the submitted Flood Risk Assessment and offers no objections.

INTERNAL CONSULTEE RESPONSES:

The Conservation and Design group is content with the scale and massing, architecture and choice of materials. Therefore, subject to any consent being conditional upon agreement to external materials details, hardstandings, the treatment of recycling areas and lighting, no concerns have been raised.

PUBLIC RESPONSES:

One letter of objection has been received from the City of Durham Trust. This body takes the view that the City Centre is already suffering economically from retail activity at both the Arnison Centre and the Dragonville District Centre, therefore it must follow that further harm would result from this proposal. This, it concludes, would run contrary to the objectives of Local Plan Policy S9. Furthermore, the reduction in available car parking spaces is seen as a retrograde step, particularly as most customers of the enlarged store will be car – borne.

One letter of support has been received from a local resident who feels that the proposal will enhance amenities in the Framwellgate Moor area and in the City as a whole.

APPLICANTS STATEMENT:

In their submitted Planning and Retail Statement, planning consultants acting for Sainsburys argue that this proposal meets fully the objectives of relevant national and local planning policies. In particular, the objectives of Local Plan Policy S9A would be served as it has been demonstrated that the proposed increase in retail floorspace would not undermine the role of the city centre or any other centres in the Local Retail Hierarchy, and that no harm would result to either highway safety or the capacity of the local road network. Furthermore, the extension design is considered to be of a high quality, compatible with the objectives of Local Plan Policy Q7.

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 ([link to webpage](#))

PLANNING CONSIDERATIONS AND ASSESSMENT

The acceptability or otherwise of this application rests essentially upon three issues. The proposed additional retail floorspace's likely impact upon the vitality and viability of the other shopping centres in the location; the acceptability of its scale, massing and design; and impact upon traffic generation, parking levels and associated highway safety.

In regard to the former, advice has been sought from independent retail consultant Dr John England of England and Lyle. Dr England has examined the retail impact evidence contained within the submitted Planning and Retail Statement, and has decided that the conclusions drawn by the applicants from the evidence presented are credible.

His conclusions are that the trade diversions predicted in comparison goods are not significant, and thus will not result in harmful impact upon either the City Centre nor the City's other District Shopping Centre; that the proposed store extension will strengthen the attraction of the Arnison Centre, and enable it to compete more effectively with Tesco at Dragonville; that it will consolidate the role of the Arnison Centre in line with the objectives of Local Plan Policy S9A; and that the proposal is consistent with the objectives of both Policy S9A and PPS 6 by not harming the vitality and viability of any nearby shopping centres.

Appropriate weight should be attached to this expert opinion, and while the City of Durham Trust's concerns are both understood and acknowledged, they have offered no evidence to outweigh that advanced by the applicants which has been substantiated by a respected and independent retail expert. Accordingly, it must be reasonable to conclude that the objectives of PPS 6, and Local Plan Policies S1A and S9A would be met.

Similarly, weight must be attached to the Highway Authority's opinion that conditions prejudicial to highway safety are unlikely to result from the additional traffic generated by this proposal, or from the slight reduction in parking provision. So again, although the Trust's views are understandable in this regard, no evidence has been offered to support its position. Therefore it has to be concluded that the objectives of PPS 13 and Local Plan Policies T1 and T10 have been satisfied.

In terms of size and design, these proposals are considered to be acceptable, and likely to appear as both an enhancement and consolidation to the existing Sainsburys store. Thus

the objectives of Local Plan Policies Q1 and Q7 have been met.

The acceptance by the Environment Agency of the submitted Flood Risk Assessment conclusions demonstrates compliance with the objectives of PPS 25 and Local Plan Policy U8A. The submitted Sustainability Statement confirms, amongst other things, the applicants' commitment to sustainable practices through recycling, materials sourcing and the minimisation of energy demands, so addressing the objectives of PPS 22.

Therefore, and in summary, this proposal should be seen as a positive addition to an established District Shopping Centre, enhancing the meeting of the needs of those living on the western side of Durham City, without impacting adversely upon the vitality and viability of other shopping centres in the area, or upon highway safety.

Such inward investment, and the potential for additional job creation, should also be welcomed at this time, and, subject to appropriate planning conditions, planning approval should be granted.

CONCLUSION

In summary, this proposal should be seen as a positive addition to an established District Shopping Centre, enhancing the meeting of the needs of those living on the western side of Durham City, without impacting adversely upon the vitality and viability of other shopping centres in the area, or upon highway safety.

Such inward investment, and the potential for additional job creation, should also be welcomed at this time, and subject to appropriate planning conditions planning approval should be granted.

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.
 2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
 3. Prior to the commencement of the development details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
 4. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, (No development shall commence until) a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of
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landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

5. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.
6. Notwithstanding the information shown on the submitted drawings, occupation of the hereby approved store extension shall not take place until all details of the proposed recycling area, including its screening, are agreed in writing with the Local Planning Authority and implemented in full accordance with that agreement, in accordance with the objectives of Policy Q7 of the City of Durham Local Plan 2004.
7. Notwithstanding the information shown on the submitted drawings, a minimum footpath width of 1.8 metres shall be maintained at all times along the eastern edge of the hereby approved store extension, in the interests of highway safety and in line with the objectives of Policy Q1 of the City of Durham Local Plan 2004.
8. No development shall commence/buildings shall be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASONS FOR THE DECISION

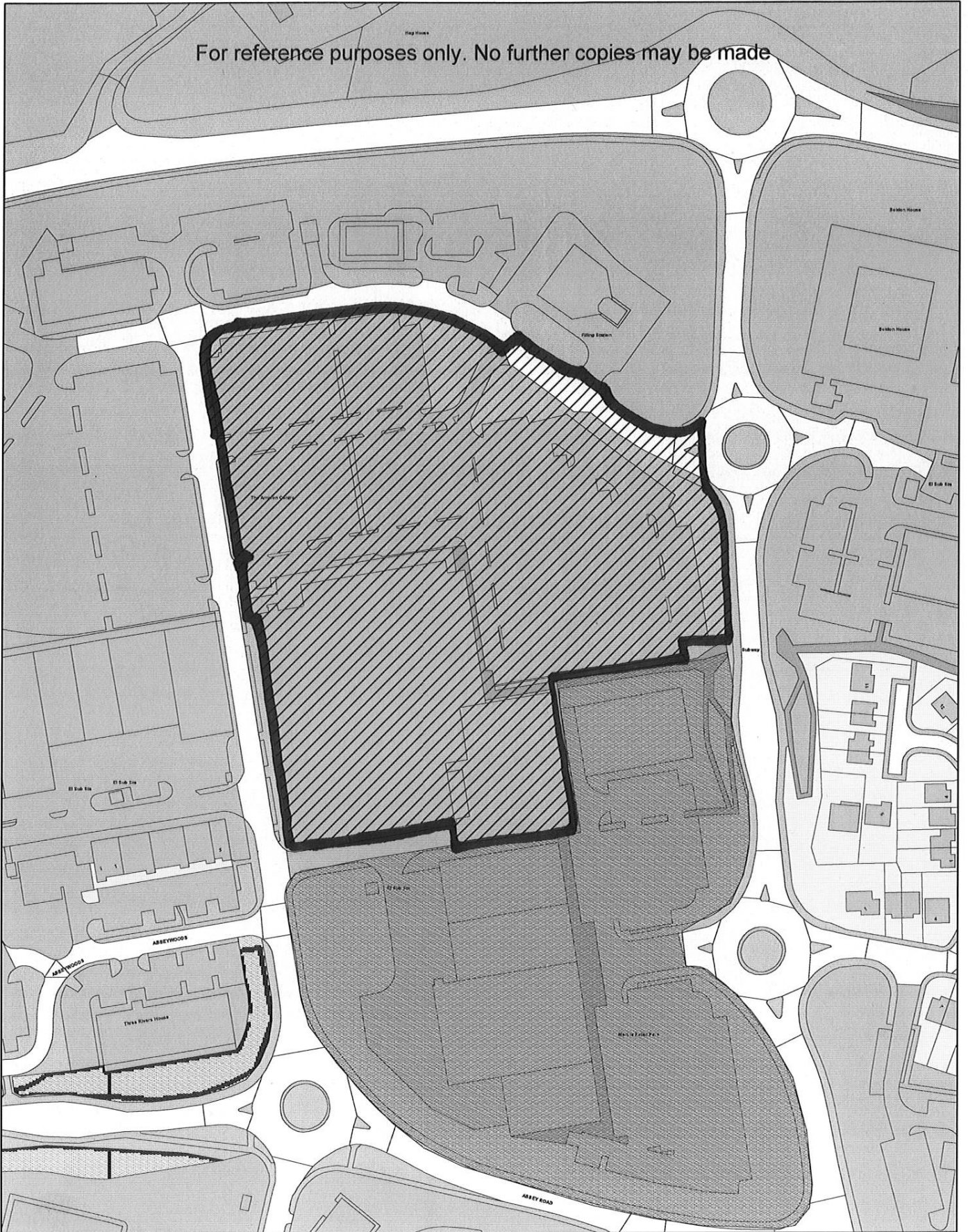
1. The proposed development is considered to be acceptable, with full regard having been taken in respect of impact upon the vitality and viability of local shopping centres, visual amenity, highway safety, sustainability and flood risk, as required by Policies Q1, Q7, S1A,S9A, T1, T10 and U8A of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of State's Direction under paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004), and Policies 2 and 40 of the North East of England plan - Regional Spatial Strategy to 2012.
2. More specifically, the development is considered to be acceptable having particular regard to retail impact; visual amenity; traffic generation, parking and resulting highway safety; sustainability; and flood risk.
3. Grounds for objection were not considered to outweigh the professional judgment of this Authority's retailing and highways advisors, and were unsupported by compelling material evidence.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement

Planning and Retail Statement
Draft Travel Plan
Transport Statement
Sustainability Statement
Flood Risk Assessment
Tree Survey
Statement of Community Involvement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements/Guidance, PPS1, PPS6, PPG13, PPS22 and PPS25
Responses from Highway Authority, Environment Agency, Northumbrian Water and Retail
Consultants England And Lyle
Public Consultation Responses

For reference purposes only. No further copies may be made



Planning Services

4/09/00164/FPA

Sainsburys Supermarket, Arnison Retail Centre

Comments

Committee Map

Date

28 April 2009

Scale

1:1875

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/09/00176/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey building, comprising 2 no. A1 retail units ground floor, with two residential units above at land adjacent 81 High Street, Carrville, Durham.
NAME OF APPLICANT:	J A Properties Ltd
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Mr S France steve.france@durham.gov.uk 0191 301 8711

DESCRIPTION OF THE SITE AND PROPOSALS

This application relates to an area of land adjacent 81 High Street, Carrville, on the outskirts of Durham City. The site is in a mixed use area, with a varied range of building type, style, use and appearance surrounding. The development proposes to attach itself to a traditional Victorian residential terrace, fronting onto High Street. There is an estate of semi detached residential properties due east, a modern car dealership to the north and small traditional residential/commercial units facing across the High Street, just south of a large new development of apartments on the former Grange Inn Public House site.

The site is currently fenced and grassed, and separated into two parts by the back lane of High Street. The west part of the site forms part of a larger grassed area, bisected by a footpath, with a small group of trees, formally protected by Tree Preservation Order. There are however no trees on the application site.

This application proposes erection of a two storey building consisting 2 no. retail units on the ground floor, facing the street, with two residential flats above, accessed from the rear lane. The shop units are glazed their full height, surrounded by an interpretation of a traditional wooden shopfront surround and fascia. The fenestration and doorways for the residential units include artstone heads and cills, but are of modern appearance and proportions – those facing the High Street being heavily horizontal in emphasis. The building is shown as the same height as that of the adjacent residential terrace, but given the wider span of the site, will be of shallower pitch, and will not ‘run through’. The part of the site separated by the back lane from the frontage is proposed used for 4 no. car parking spaces serving the residential part of the development.

PLANNING HISTORY

This application is a resubmission of an application following a similar proposal in 2008 which was withdrawn under threat of refusal. That development proposed accommodation in the roof-space, served by dormer windows and roof-lights front and rear. Previously three dwellings had been granted approval on the site in 1991.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing. This PPG sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities and land supply.

Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together. The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality. The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters.

Planning Policy Guidance Note 13: Transport, seeks to promote more sustainable transport choices, and reduce the need to travel, especially by car.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation seeks to ensure effective planning for open-space, sport and recreation, appropriate to the needs of local communities.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

LOCAL PLAN POLICY:

Policy H2 (New Housing within Durham City) states that new residential development

comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

Policy H8 (Residential Use of Upper Floors) generally supports the use of upper floors of shops and commercial premises providing it takes proper account of the surrounding land uses and the visual appearance of the area.

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.

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.

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.

Policy S7 (Individual Shops) allows individual shops within settlement boundaries provided existing local centre's are not undermined and where the character of an area or road safety would be adversely affected.

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.

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.

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.

Policy U8 (Sewage Treatment Works and Sewage Systems) requires the Council to assist Water and Sewage Undertakers to meet their statutory obligations.

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 ([link to webpage](#))

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Highway Authority in noting no objection to the development in principal, point out a number of details of design that must be addressed before consent can be granted. The level of parking proposed is acceptable, the four spaces for the residential units, and on-street parking for the retail units on the High Street considered adequate, taking into account the existing restrictions to parking around the junction. The site plan shows the new building overlapping onto the public footway on the front of the site the ramps at the entrances of the retail units are severe, the rain-water down-pipes on the front elevation encroach onto the highway, the bin stores to the rear open and therefore encroach over the highway, and the footpath bisecting the land to the rear terminates in a car parking space. In lieu of resolution of these issues, objection on highways grounds is offered.

Northumbrian Water have noted presence of their apparatus on or adjacent the site, and require the developer to contact them to ensure there is no physical building works over such.

INTERNAL CONSULTEE RESPONSES:

The Council's Landscape Architect notes the location of the trees on the submitted plans as inaccurate. A suggestion that the car spaces be made smaller, and conditions to be attached to any approval were set out.

Environmental Health Officers require the WC be ventilated to the outside air.

PUBLIC RESPONSES:

The Parish Council raise concerns that; the area proposed for car parking is previously undeveloped, the development is out of character with the adjacent houses, the development may affect existing retail unit's vitality, there are double yellow lines/no waiting areas on the highway adjacent, visibility at the junction will be compromised, there have been changes of use from retail to residential in the area, the back lane could be blocked by delivery vehicles, the scale of the property is overpowering and there are no refuse facilities,

Councillor Holroyd has written to formally object, on the basis of compromise to highway safety, in terms of reduced visibility from the adjacent junction, the number of vehicular accesses onto the High Street in the immediate vicinity, and a lack of specific customer/delivery parking provision. The building is considered out of character with the surroundings, and refusal is proposed on the grounds of Policy S7.2 (the shop will adversely affect the character and amenity of the surrounding area, and the interests of road safety).

APPLICANTS STATEMENT:

The rear of the proposed car parking area is private land in the ownership of our client, the open aspect will be retained and there is provision for improvement of local amenities which is indicated on our submitted drawings. The tree survey carried out by Batsons will be forwarded. The proposed development is a two storey building with a pitched roof very much in keeping with the adjacent houses and buildings. We have submitted with the planning

application a letter from Ashley Smith Chartered Surveyors confirming the viability of the retail units in the Carrville area.

The response from the Highway Authority is in favour of the development. The point regarding a number of change of use applications in the area having been carried out we feel is not relevant in this application. Regarding 'the back of high street could be blocked off' this, if it happened, would only be for very short periods of time, and given highways response to the development, we feel that any disruption to the back lane would be very minimal.

The building is a two storey pitched roof development with a similar eaves line to the adjacent buildings, its form and massing are also very similar to the surrounding buildings on Carrville High Street, we therefore feel that it is not overpowering any of the surrounding buildings and is very much in keeping with its surroundings. The comment regarding the provision of bin stores and recycling, there has always been the provision for two large bin stores at the rear of the development; we therefore feel that this point is not relevant.

The points raised by Councillor Holroyd are mainly regarding highways and access to the development, and Highways have given a favourable response to the development.

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 ([link to webpage](#))

PLANNING CONSIDERATIONS AND ASSESSMENT

The planning principals raised by this application relate to the scale and character of the development in physical terms, traffic related issues, and the principal and effects of the uses proposed, the main relevant Policies considered being Q8, Q2, T1, T10, and S7.

It must be noted first however that there are a number of issues with the submitted information which effectively preclude the ability to recommend the application for approval. These issues were related to the applicant's agents six weeks before the deadline for this committee report, noting that revised plans would require adequate time for a further consultation exercise. As noted in the Highways comments, the submitted drawings show the proposed development overlapping, where a lamp-post is currently sited. Down-pipes and access ramps likewise extend outside the area of the proposed development site. The forms have not been fully completed to explain the effect of the trees on the adjacent land by the oversized car spaces. The elevations and floor-plans show contradictory proposals for the rear of the building. A number of design suggestions were raised at this time. A request to withdraw the application and re-submit has been turned down by the applicant.

To return to the planning issues, development is proposed on an area of fenced grassland. There is evidence of a hard surface in areas of the site through the existing grass, probably relating to the site's use for occasional parking, the site having been previously developed, but cleared since at least 1970. The fencing around the site is a comparatively recent addition. PPS3 defines previously developed ('brownfield') land as excluding land where the permanent structure or fixed structures have blended into the landscape in the process of time to the extent where they can reasonably be considered part of the natural environment. With the building long removed, and the site apparently grassed for over three decades, the site may be considered green-field. The applicant acknowledges the clearance of the site for

the above period, basing a claim for brownfield status on the presence of a nib of brickwork extending 0.4m from the gable end of the adjacent building. Officers do not consider the open space adjacent the High Street to exhibit important 'functional, visual or environmental aspects' as an open space, when considered against Policy E5a (the area with the trees to the rear of the proposed building has these attributes, and is not unreasonably compromised), and noting that development would represent a minor departure from Policy (H2 Greenfield) would not oppose its development in principal for an appropriately designed development that brought value to the locale.

On first inspection the submitted design appears a good response to a modern interpretation of an end of terrace development, with traditional references in the building's detailing, on a simple extension of the existing built form. On closer inspection, the proposed roof spanning the whole site, from the footpath to the rear lane results in a shallower pitch and wider roof than those adjacent, which include single storey offshoots to the rear in their foot-print. Therefore whilst the roof proposed is the same height as the neighbour's the pitches will not run through, necessitating an awkward visual and physical join between the two. The agent had been requested to delete the shown soffits and bargeboards, to help integrate with the local vernacular, a flush pointed gable considered visually appropriate. Often this level of detail intervention is required to help integrate new development into existing traditional housing, in the spirit of the new emphasis on design issues outlined in PPS1.

Officers were prepared to accept the visual balance proposed between the modern window sizes (although a small stall-riser would improve proportions and security) with the traditional surrounding detailing, and the modern, horizontally proportioned apartment windows, with artstone head/cill detailing. Neither of the two alternate forms of development shown to the rear of the building can be approved with the bin-stores opening over the public highway, albeit neither are unacceptable in design terms. In terms of the design of the buildings therefore, the proposals are considered contrary to Policy Q8.7. With the ramps shown on the elevations accessing the shop units either projecting onto the highway, or steep within the site, the extent to which the scheme successfully integrates the needs of people with disabilities, the elderly and those with children, must be questioned. Without surety that the scheme accommodates these needs, the requirements of Policy Q1 are not met.

The Council's Landscape Architects advise that the oversized car parking spaces proposed, and the formalization of the footpath link through the adjacent land have the potential to detrimentally affect the adjacent protected trees, and suggest conditions for use in the event of an approval.

Northumbrian Water do not object to the application, but note they have a nearby apparatus that may be affected by the development. Policy U8 requires the Council to assist Water and Sewage Undertakers to meet their statutory obligations.

Both the Parish Council and Ward Councillor raise concerns on a number of highways issues. Highways Engineers raise no objection to the issues of parking, servicing and effect on the visibility splay, and on this basis officers consider refusal could not reasonably be sustained on these grounds, the proposals being therefore compliant with Policies Q2.1/2/3/4/5, S7.2, T1 and T10 .

The Parish Council object to the development on the basis of need for the retail unit, and potential effect on the existing High Street economy. The applicants have submitted a retail

report to support their application, however Officers would note that it is not the role of the planning system to influence the retail market, and no evidence has been submitted to show how the property would have a negative impact on such. A recent refusal in the nearby Cheveley Park Shopping Centre on such grounds was overturned on appeal. The application is therefore considered to meet the requirements of Policy S7 of the City of Durham Local Plan.

CONCLUSION

The applicant has submitted an application requiring amendment to address a number of drafting errors and contradictions before thought can be given to an approval, and in lieu of some of the required supporting information. These problems were identified early in the application process, and along with design issues relating to the proposed building and relationship to the trees, were conveyed to the agents with sufficient time for submission of amended plans and documentation to be resubmitted, and a re-consultation exercise carried out. This issue justifies refusal in its own right.

Whilst Officers are prepared to countenance development of this small area of open space, given its relative lack of importance, accept the views of Highways Engineers that the proposals in principal are acceptable in terms of parking and visibility issues, and note the lack of evidence to support claims the proposals would affect retail vitality, there are still issues of concern that justify a recommendation for refusal notwithstanding the problems with the plans. The design of the proposed car parking spaces has the potential to detrimentally affect adjacent protected trees. The detailing and massing of the building, particularly as regards the proportions of the roof, its detailing, and its relation to the adjacent terraced properties are not considered acceptable.

The application is recommended for refusal on these grounds.

RECOMMENDATION

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

1. In the opinion of the Local Planning Authority, the submitted plans, containing errors and contradictions, submitted without full supporting information and extending development outside the site and into the public highway are inadequate to be able to make a full and reasoned positive assessment of the proposals.
2. In the opinion Local Planning Authority the proportions, massing and detailing of the roof of the proposed building are of a design that are not appropriate to the character of the surroundings, contrary to Policy Q8 of the City of Durham Local Plan 2004.
3. In the opinion of the Local Planning Authority, the effect of the proposed development on the adjacent trees cannot be properly assessed in lieu of appropriate supporting information, contrary to Policy E14 of the City of Durham Local Plan 2004.
4. In the opinion of the Local Planning Authority, the application shows the proposals extending onto the public highway in footprint, showing ramps and rainwater down-pipes extending onto the highway, and showing bin-store doors opening over the

highway resulting in conditions prejudicial to highway safety, contrary to Policy E14 of City of Durham Local Plan 2004.

5. In the opinion of the Local Planning Authority, the developer has not shown whether the proposals will affect the existing drainage system to the satisfaction of the statutory undertaker, contrary to Policy U8 of the City of Durham Local Plan, 2004

REASONS FOR THE DECISION

1. The development is not considered acceptable both in the quality and extent of information submitted, and in its scale and character, contrary to Policy Q8, in not being shown to take proper account of the adjacent protected trees, contrary to Policy E14, in not being shown to take account of the relationship of the development to public drains/sewers, contrary to Policy U8a, contrary to the City of Durham Local Plan 2004

2. The key material issues in the determination of the application were the scale, character and detailing of the propose building in the context of the street-scene, and adjacent properties

3. Objections received covered a number of topic areas, those considered to have determining material weight in the planning decision relating to the building's scale and character in the street scene. Issues raised on highways, retail impact and 'greenfield' issues were given due weight in Officer's consideration, but not considered sufficient to justify refusal reasons.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

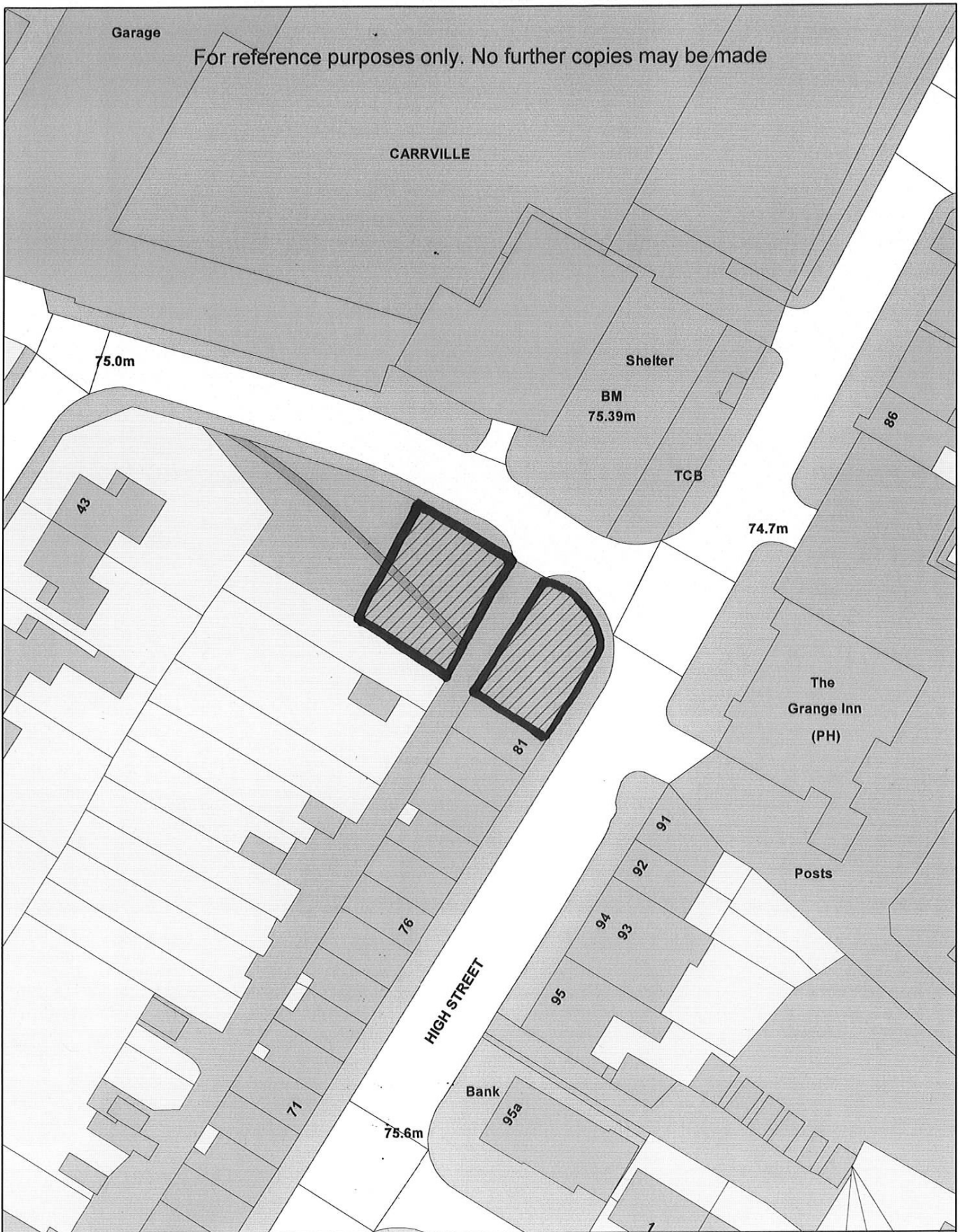
Planning Policy Statements / Guidance, PPS1, PPS3, PPS4, PPS9, PPS13, PPG17

Responses from County Highways and Northumbrian Water

Parish Council Response

Public Consultation Responses

File notes and Correspondence



Planning Services

4/09/00176/FPA

Land Adjacent 81 High Street, Carrville

Comments

Committee Map

Date

28 April 2009

Scale

1:625

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Planning Services

COMMITTEE REPORT

APPEAL UPDATE (Easington Area Office)

APPEALS RECEIVED:

Appeal by Mrs Frances Tait

Site at Rosemary Lane, Easington Village, County Durham, SR8 3BQ

An appeal has been lodged by Mrs Frances Tait against the Council's Refusal to grant planning permission for the erection of a dwelling and detached garage at Rosemary Lane, Easington Village, County Durham, SR8 3BQ

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

APPEAL DECISIONS:

Appeal by Mr M Grufferty

Site at 56 Ambleside Avenue, Seaton, Seaham, County Durham

An appeal was lodged against the refusal of an application which proposed the variation of a condition which restricted the hot food takeaways opening hours from 17.00 - 22.30 on all days except Tuesdays. Members imposed this in order to safeguard the amenity of neighbouring residents.

The appeal has been allowed subject to conditions restricting opening hours to 11.00 –13.30 hours and 17.00 – 21.30 hours on Mondays, Tuesdays, Wednesdays, Thursdays and Sundays; and between 11.00 – 13.30 hours and 17.00 – 22.30 hours on Fridays and Saturdays.

Further conditions relate to details of ventilation and filtration, and a scheme for the disposal of litter arising from the use being submitted.

The inspector considered that this decision would strike an appropriate balance between meeting the needs of customers and the hot food takeaway business on one hand, and providing reasonable protection for the living conditions of nearby residents on the other.

Recommendation:

That the report be noted.

APPEAL UPDATE (Durham City Area Office)

APPEALS RECEIVED:

Appeal by Scottish and Newcastle Pub Enterprises Site at The City Hotel, 88 New Elvet, Durham, DH1 3AQ

An appeal has been lodged by Scottish and Newcastle Pub Enterprises against the Council's refusal to grant advertisement consent for the erection and display of advertisements to front of existing building including trough-lit individually lettered fascia sign, non-illuminated fascia sign to first floor, externally illuminated projecting sign, non-illuminated amenity sign and 1 no. hanging lantern above the entrance of The City Hotel, 88 New Elvet, Durham, DH1 3AQ.

The appeal is to be dealt with by way of written representations and the Committee will be advised of the outcome in due course.

Recommendation:

That the report be noted.

APPEAL DECISIONS:

Appeals by Mr D Carr Site at Willow Cottage, Thornley, Co Durham, DH6 3EE

Appeals against the refusal to grant planning permission for the erection of a proposed orangery extension and for the retention of a detached general storage shed and against an enforcement notice requiring the removal of the general storage shed and 3 no. free-standing lighting columns at Willow Cottage, Meadowfield Farm, Thornley, Durham.

The planning application for the erection of an orangery extension and general storage shed for gardening equipment and machinery was refused 3rd July 2008. The proposed orangery extension by virtue of its size, scale and design was considered an unsympathetic and unacceptable addition to a converted agricultural building. The general storage shed by virtue of its size, scale, design and location was considered an obtrusive and jarring feature which detracts from the character of the countryside and in addition is an excessively scaled and unsympathetic addition to a residential dwelling converted from an agricultural building.

The Inspector noted that on the original conversion scheme, permitted development rights for extensions, outbuildings and other free standing structures were removed in the interests of maintaining the character of the traditional farm buildings and to maintain the openness of the countryside. The general storage shed and free-standing lighting columns were erected without the necessary planning permission and the inspector considered the storage shed was a utilitarian structure which failed to reflect the character or appearance of the dwelling Willow Cottage whilst the lighting columns have an urbanising effect out of keeping with the rural setting and contrary to Local Plan Policies.

The Inspector considered that the proposed orangery extension would further alter the original farm building in a manner inconsistent with the objectives of the relevant Local Plan Policies and that planning permission should not be granted.

As a result, the Inspector dismissed the appeals but varied the enforcement notice by an amendment of the time for compliance to six months rather than three months. The Inspector considered that as the erected structures do not cause a nuisance, this reduces the urgency for remedial action.

Recommendation:

That the report be noted.
