



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

14 July 2009

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/373/LB Durham City Vision	Statue Of Third Marquees of Londonerry Market Place Durham DH1 3NJ	Partial dismantling and removal of bronze statue for temporary period of six months to enable off site repairs involving replacement of internal iron armature and framework, repairs to splitting damage, application of traditional patination and reinstatement on existing plinth	MINDED TO APPROVE Page No. 1 - 8
PL/5/2009/0133 Three Rivers Housing	King Street, Shotton	Residential Development comprising 29 No. Units	APPROVE Page No. 9 - 17

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/09/00373/LB

FULL APPLICATION DESCRIPTION: Partial dismantling and removal of bronze statue for temporary period of six months to enable off site repairs involving replacement of internal iron armature and framework, repairs to splitting damage, application of traditional patination and reinstatement on existing plinth at the Statue Of Third Marquees Of Londonderry, Market Place, Durham, DH1 3NJ

NAME OF APPLICANT: Durham City Vision

ELECTORAL DIVISION: Elvet

CASE OFFICER: Andrew Inch
Andrew.Inch@durham.gov.uk
(0191) 301 8745

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to the Statue of the Third Marquis of Londonderry, a grade II Listed Building dating from 1858, and which occupies a prominent central position within Durham's Market Place. The statue itself comprises a high bow-ended stone pedestal with three surrounding stone steps, together with a large bronze statue of a heroic size figure in military uniform riding a rearing horse. The statue has two inscriptions; the first commemorates Charles William Vane Stewart, 3rd Marquis of Londonderry, Lord Lieutenant of Durham and founder of Seaham Harbour, while a second commemorates restoration of the statue in 1952.

Listed Building Consent is sought for the partial dismantling of the statue, specifically the bronze element, to enable repairs to be undertaken to the statue in a controlled and safe working environment off-site. The extent of the repairs required will only be fully realised upon full internal examination of the statue following its removal, however, experts who have examined the statue in situ, consider that the repairs are likely to involve the replacement of the internal iron armature and framework, and will certainly involve repairs to splitting damage evident on the statue's surface, together with the application of a traditional patination. Following the repairs being undertaken, the bronze statue will be re-untied with

the existing stone plinth in the Market Place within a six month period from removal.

The application is supported by both a Heritage Statement and a detailed condition report undertaken by Rupert Harris Conservation.

PLANNING HISTORY

There is no recent planning history, however, the statue has been removed previously in 1951 to undergo repairs similar to those which this application currently seeks consent for.

PLANNING POLICY

NATIONAL POLICY:

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

Planning Policy Guidance note 15: Planning and the Historic Environment lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection.

The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

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.

Of particular relevance to this application is Policy 32 relating to the Region's Historic Environment. Specifically, strategies plans and programmes and planning proposals should seek to conserve and enhance the historic environment of the region by, amongst other things, encouraging the refurbishment of Listed Buildings.

LOCAL PLAN POLICY:

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.

Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.

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.

Policy E23 (Listed Buildings) seeks to safeguard listed buildings and their settings by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of listed building. Any alterations must be sympathetic in design, scale and materials.

The above represents a summary of those policies considered most relevant in the Development Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

There have been no statutory responses to this application.

INTERNAL CONSULTEE RESPONSES:

The Council's Design and Conservation Section supports the proposal, considering this to be a rare opportunity to ensure the listed sculpture's long-term survival, whilst enhancing the character of the listed structure and, by its location, the character of the conservation area and city centre.

PUBLIC RESPONSES:

The City of Durham Trust expresses gratitude to the applicants for arranging necessary repairs to 'Durham's horseman'. However, they point to reference in the accompanying Heritage Statement to the 'relocation' of the statue, and if this is the intention then they wish to lodge an objection in the strongest possible terms.

Two letters have also been received from members of the public expressing concern in relation to the redevelopment of the Market Place as whole, rather than in relation to the specific proposals, subject of this report. Subsequent applications for the redevelopment of the Market Place would of course be subject to wider public consultation, and where they would be afforded the opportunity of expressing their views further.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=09/00373/LB>

PLANNING CONSIDERATIONS AND ASSESSMENT

The main issues are, firstly, in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard will be had to the proposal in terms of the desirability of preserving the building, its setting, or any features of special architectural or historic interest which the statue possesses, secondly, examination of the alterations proposed and the risks associated with those works, together with consideration of the impacts upon the character and appearance of the Durham (City Centre) Conservation Area.

The grade II listed statue of the Third Marquis of Londonderry has become, since its unveiling in December 1862, an integral part of Durham's Market Place and certainly the most well-known piece of public art within the City. It commemorates a figure of both national and great regional significance, whilst its execution was, for its day, one of the largest and most technologically advanced castings using the copper electro-plating process. However, being over 150 years old, inevitably, the physical condition of the statue has deteriorated, despite the statue undergoing extensive repair in 1952. A recent condition report has identified that significant corrosion has occurred and most importantly evidence of the decay of its internal iron armature, seen through numerous cracks and displacement between the horse and its base. This important Listed Building is therefore continuing to deteriorate, and its very existence is threatened if necessary repairs are not undertaken. Having regard to the special desirability of preserving the listed structure, it is considered, that undoubtedly, to enable repair work to be undertaken, would preserve the structure, and such objectives would sit comfortably with Policy 32 of the RSS which seeks the refurbishment of listed buildings. The proposals will be examined further in the context of Policy E23 of the Local Plan, which seeks to ensure that alterations are carried out in a sympathetic manner.

The condition report was produced by Rupert Harris Conservation, a nationally recognised expert within the field of the conservation of metal work sculpture. The contents of the report are clearly based on a professional understanding of this type of sculpture whilst the recommendations for repair are based on the sound conservation principles of careful preparatory analysis and minimal intervention. The proposed works will therefore comprise of the removal of the statue to the conservators London studio, a full external and internal inspection, undertaking of the necessary repairs and its return to site and reinstatement on its existing plinth.

It is considered necessary to remove the statue from its plinth and transport it to the conservator's studio due to the nature of its construction, which comprises a series of copper plates supported by an iron armature. Workshop conditions provide the best environment to inspect the statue and the only environment in which to repair it. An in-situ repair would be neither safe nor practical. Undoubtedly, the dismantling and removal of the statue together with its transportation by truck to and from London comes with inherent risks, and it is important, that prior to any work commencing, a scheme to minimise these risk is submitted to and agreed with the Council.

Due to the need for further inspection of the statue following its removal, the full schedule of repair is not known, and would, subject to consent being granted, be the subject of an appropriate condition where agreement to the necessary works identified following full examination would be agreed with appropriate Conservation Officers of the County Council together with English Heritage. In addition, whilst the works identified at this stage are anticipated to result in the Market Place being without its 'man on the horse' for some six

months, the detailed examination may reveal additional repairs necessary, potentially adding to the time required from removal to reinstatement. A condition would be appropriate to enable some flexibility on this aspect in the event of a grant of consent.

However, the outcome of this work can be stated with some assurance on the evidence of works previously undertaken by the experienced conservator. It will be a highly skilled repair that maintains as much of the original sculpture as possible and includes a new patina and protective coating, thereby preserving the statues features of architectural and historical importance, to which special desirability is given. The application of a traditional patination is such that it is important to note that the statue will re-appear, not with its distinctive green copper coating, but a mid brown coating, as close in colour to its perceived original appearance. This new colour will remain as long as the protective coating of the statue is maintained. If not maintained the green oxidised copper colour will return. This change is an honest one and will improve the appearance of the statue, giving a more uniform covering devoid of the streaks and patches of colour that characterise its present appearance. It is considered that the works will be entirely sympathetic and will ensure the long-term preservation of this important listed building and its features of special architectural and historic interest. Consequently, the proposals accord with the provisions of the development plan, and specifically, Policy 23 of the RSS and Policy E23 of the Local Plan.

Moreover, this application represents an important opportunity to ensure that a building which makes a significant contribution to the character and appearance of the Durham (City Centre) Conservation Area, is repaired and restored to its former glory, thereby ensuring its continued and long-term contribution to not only the Market Place but the city centre as a whole, thereby meeting the objectives of Policies E6 and E22 of the Local Plan. Clearly, its loss for a period of time will have a negative impact on the Market Place and consequently the character and appearance of the conservation area, but this is more than outweighed by the long-term benefits to the structure and the character and appearance of the conservation area as a whole.

Turning to the City of Durham Trust's comments on the application. It is recognised by the Trust that the statue of is in need of necessary repairs, and they have expressed their gratitude to the applicants for seeking to do this. However, they have referred to the Heritage Statement, which does include reference to the relocation of the statue on its existing plinth, where it ought to have said reinstatement, as per the actual description of the application. This application does not seek the relocation of the statue, and whilst the Trust and the wider public have been consulted on proposals to redevelop the Market Place, and which have themselves afforded the opportunity to examine the condition and consequently seek these repairs, any proposals to relocate the statue within the Market place would of course, be the subject of a separate detailed application.

CONCLUSION

In conclusion, it is considered that the partial dismantling and removal of the statue together with the repairs to both the internal armature and the external copper-plating represent necessary repairs to an important listed building which will preserve the structure and ensure that this most important pieces of public art continues to make the important and positive contribution to the character and appearance of the Durham (City Centre) Conservation Area, and indeed the city as a whole. The works will ensure that the special architectural and historical interest that the statue possesses will be retained and restored in an honest way, and as such, the proposals are considered to comply fully with the requirements of Policies

E6, E22 and E23 of the Local Plan, together with the Policy 32 of the RSS, and Officers recommend the proposals favourably.

However, Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 states that where a Local Planning Authority requires listed Building Consent for the demolition, alteration or extension of a listed building in their area, the authority shall make that application to the Secretary of State. In this case, the applicants, Durham City Vision, form a part of Durham County Council, the Local Planning Authority, and it is therefore necessary for the application to be referred to the Government Officer for the North East for consideration. Consequently, Members can only be minded to approve the application subject to the conditions outlined below.

RECOMMENDATION

That in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990, Members be **MINDED TO APPROVE** the application subject to the following conditions:

1. The Statue of the Third Marquis of Londonderry shall be reinstated on its existing plinth within 9 months of the date of this consent. Such longer period as may be required following detailed examination of the statue shall be the subject of written agreement with the Local Planning Authority.
2. Prior to the removal of the statue from the Market Place, details of the cradle used to lift and transport the statue and its method of transportation from and to the site shall be submitted to and agreed in writing by the Local Planning Authority, and works shall proceed in accordance thereafter with the agreed details.
3. Notwithstanding the submitted details, and within 28 days of the date of the removal of the statue, a full written schedule and methodology for the repair and re-instatement of the statue, together with points in the process for which the Local Planning Authority can be informed of the progress of work and discuss or inspect such work, shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be undertaken thereafter in full accordance with the agreed details.
4. Prior to the removal of the statue from the Market Place, details of a recording programme for the repair shall be submitted to and agreed in writing with the Local Planning Authority. Such recordings shall be carried out in accordance with the agreed details and submitted to the Local Planning Authority following reinstatement of the statue.
5. Prior to the removal of the statue from the Market Place, a contingency plan outlining possible risks involved in the full programme of work and solutions to those risks shall be submitted to and agreed in writing with the Local Planning Authority. Such identified risk-minimising solutions shall be adhered to at all times.

REASONS FOR THE DECISION

1. The proposed development will preserve an important listed building together with the special architectural and historical interest which it possesses, whilst ensuring that a structure which makes a significant contribution to the character and appearance of the Durham (City Centre) Conservation Area is retained, and consequently, the proposals are considered to accord fully with Policies E23, E6 and E22, respectively, of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policy 32 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to the Local Planning Authorities duties in respect of Listed Buildings and Conservation areas, in particular section 16 and the special desirability of preserving the listed structure and its special architectural and historical interests, and in terms of section 72, the desirability of preserving and enhancing the character and appearance of the conservation area by virtue of securing the long-term future of the city's most prominent piece of public art. The risks associated with the project were examined and considered to be outweighed by the worthiness of preserving the structure.
3. Grounds of objection relating to the relocation of the statue are considered to not be determining in this case, since relocation is not sought as part of this application. Support for the proposals and what they specifically entail is expressed, however, and serves to emphasise the high regard in which this structure is held within the City.

BACKGROUND PAPERS

Submitted Application Forms and Plans.

Heritage Statement

Condition report and recommendations, Rupert Harris Conservation

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990

Planning Policy Statements / Guidance, PPS1 and PPG15

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

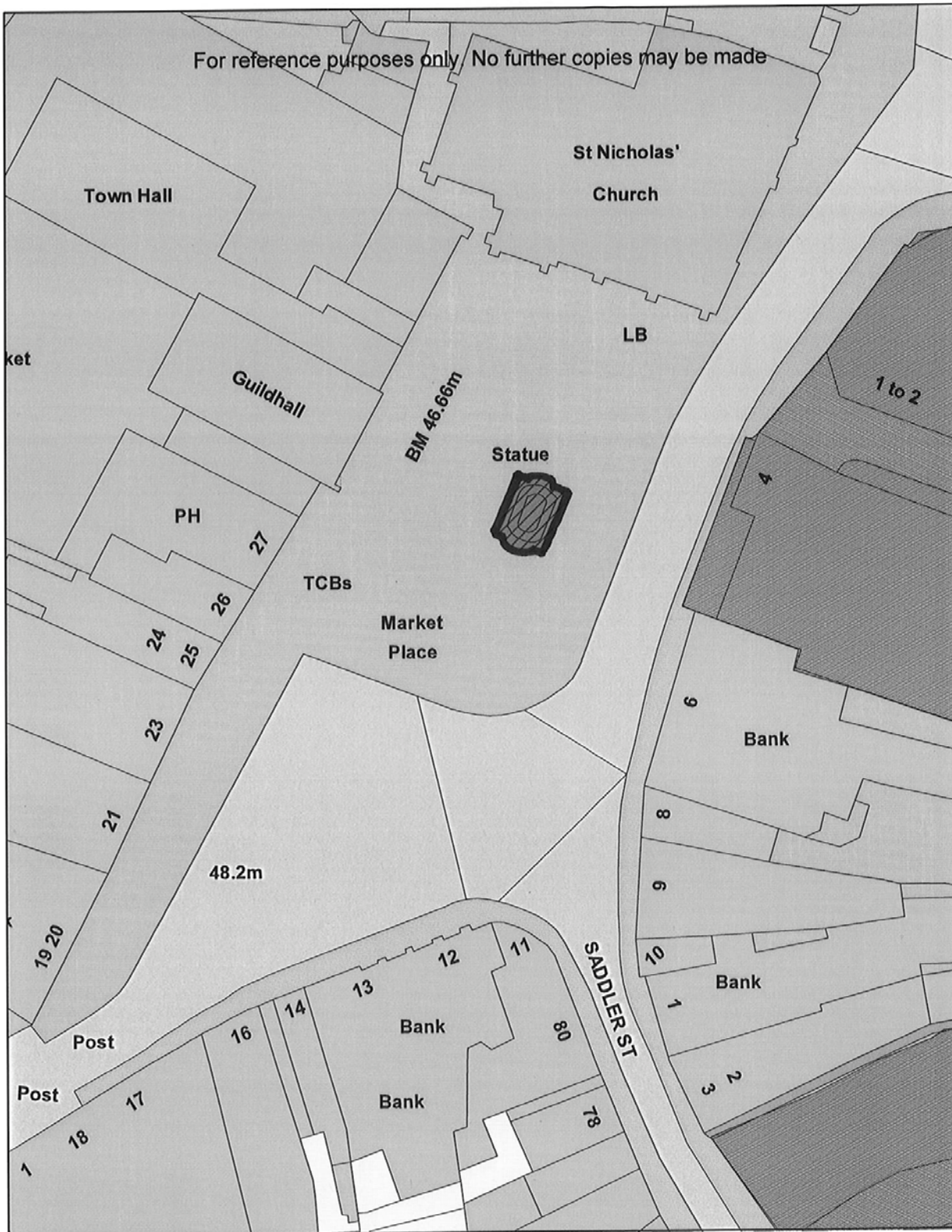
City of Durham Local Plan 2004


Response from the Council's heritage and Design Section

Response from the City of Durham Trust



For reference purposes only. No further copies may be made



 Durham County Council	Planning Services		4/09/00373/LB - Statue Of Third Marquees Of Londonerry, Market Place, Durham		
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		Date	30 June 2009	Scale	1:469

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0133
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 29 NO. UNITS at KING STREET, SHOTTON COLLIERY
NAME OF APPLICANT	THREE RIVERS HOUSING
ELECTORAL DIVISION	Shotton
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application site, which is approximately 1.53 hectares, lies within the settlement boundary of Shotton Colliery on a site previously occupied by local authority housing, as such the land is considered to be brownfield. The site is currently vacant and has been grassed with trees planted at the eastern end of the site. The application site is surrounded by residential properties.

This application proposes 29 mixed residential dwellings with private gardens that would be Homes and Communities Agency funded and would be available initially for social rent and then in long term shared ownership. The 29 houses will be arranged in a series of courtyards with some slight changes to the existing levels with a mix of house types around each courtyard. The proposed residential properties include three dwelling types at 2 and 2½ storeys in heights, along with bungalows, providing a mix of two and three bedroomed properties. The mix of house types includes 4 bungalows, which are sited between the proposed courtyards. All residential units are linked by public footpaths, which are to include seating and amenity space for local residents.

The main materials used would be brick, tile and render and parking would be provided in accordance with Durham County Council Parking Guidelines. The dwellings would be built to Code for Sustainable Homes Level 3 standard and would include the installation of solar panels on the south facing roof slopes. The Code is intended to make homes more sustainable and it measures the sustainability of a home against design categories, rating the 'whole home' as a complete package. The design categories included within the Code are energy, pollution, water, health and well-being, materials, management, surface water run-off, ecology and waste.

PLANNING HISTORY

The site was formerly used for local authority housing, all of which have been demolished. There is no relevant planning history.

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) 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.

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

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

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

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 subject to sewer diversion/abandonment and surface water conditions being attached to any grant of planning permission.

Durham Constabulary – Concerns have been raised regarding the loss of the existing amenity space, and the impact the proposed development will have on adjacent residents. Concerns also raised regarding proposed parking arrangements in relation to Secured by Design guidelines.

Ramblers Association – Object to the application due to concerns regarding the loss of the existing landscaped green public space which is not to be replaced. It is not considered that the proposed development accords with the relevant development plan policy which allocates the site for housing to include aged miners accommodation. The Ramblers Association also raised concerns regarding the publicity of the application; the publicity issues have been resolved through a re-consultation process.

INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer – It is considered that the proposed development would support the aims of policy Sh3 and also provide affordable housing. Provided that the design and layout is seen to be satisfactory, the proposed development should be supported.

Housing Officer – A section 106 legal agreement to secure the affordable housing in perpetuity is not required in this case as any changes to the use of the accommodation would be subject to grant claw-back and can only be achieved with the express permission of the Homes and Communities Agency and the Local Authority.

Highways Authority – The proposed development including the Stopping Up of the existing footpaths is considered to be acceptable in terms of access arrangements subject to Section 38/278 highways agreements. Concerns have been raised regarding the proposed parking arrangements; amended plans have been requested and are expected to be received prior to the Committee meeting.

Environmental Health Officer – A Contaminated Land Risk Assessment is required.

PUBLIC RESPONSES:

The application has been advertised in the local press and by way of a site notice. Neighbour consultation letters have also been sent. One letter of representation has been received in relation to the application; concerns have been raised regarding the safety of the existing road adjacent to the site, Victoria Street, which is considered to be dangerous in wintry conditions, and concern has been raised regarding the need for the proposed dwellings.

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues to be considered in determining this application are:

- Principle of Development
- Design, Scale and Layout
- Trees and Landscape
- Highways issues and Public Rights of Way
- Affordable housing
- Play Space
- Renewable Energy

Principle of Development

The application site is allocated in the District of Easington Local Plan to provide for Housing Development under saved policy Sh3. Therefore the principle of housing on this site has been established and would be considered acceptable. The proposed development is considered to accord with the relevant development plan policy.

Design, Scale and Layout

The design, scale and layout of the development are considered to be generally acceptable. There is no consistent design or use of materials surrounding the site that could influence this scheme and as such the proposed materials are acceptable. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints in relation to site shape and location. The scheme achieves the distancing standards set out in the appendix of the District of Easington Local Plan, both within the site and in relation to existing adjacent houses. It is suggested that a condition to remove “permitted development” rights for extensions at the approved dwellings is attached to any grant of planning permission to ensure the spacing and privacy distances around the properties are maintained.

The police architectural liaison officer has raised concerns relating to designing out crime, his comments have been passed to the applicant.

Trees and Landscape

The proposed development will require the removal of some of the existing trees on the site to make way for the proposed housing and to establish a higher level of arboriculture management for the site. The remaining trees have been assessed and a Tree Protection Plan has been submitted as part of the application, which will ensure the existing trees are protected during construction works. The requirements of the Tree Protection Plan are to be conditioned as part of any grant of planning permission.

The loss of the trees on the site is not considered a sufficient reason not to allow the development of an allocated site to provide needed affordable housing. It is suggested that a landscaping scheme be conditioned to any grant of planning permission; as new planting in the communal areas of the development will help mitigate the loss of the existing trees.

Highways and Public Rights of Way

The proposed access arrangements are considered to be acceptable by the Highways Authority. However, concerns have been raised regarding the proposed parking arrangements; amended plans have been requested. Subject to the concerns regarding the parking layout being resolved, the proposed development is considered to be acceptable in highways terms.

The proposed development necessitates the “stopping up” of two existing public footpaths which run through the site. The “stopping up” of the existing footpaths will need to be subject to a further Public Footpath Stopping Up Order Application, if planning permission for this development is granted. The Highways Authority have offered advice regarding the proposed works to create new public footpaths around the perimeter of the site; such works will be subject to Section 38/278 highways agreements, and as such completed to Durham County Council standards.

An informative is to be added to any grant of planning permission to make clear that the planning permission for this development does not allow the stopping up of the existing Public Right of Ways, and that the footpaths should be kept open until the formal “stopping up” procedure has been completed. Any diversion of the footpath would need to be subject to a subsequent application, and would be controlled by the Local Authority.

Affordable Housing

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. This application proposes 100% affordable housing, which would be provided through a housing corporation. Normally the developer would be required to enter into a Section 106 legal agreement in order to secure the affordable housing in perpetuity. However, the Housing Officer has stated that in line with other recent planning applications relating to Moore Terrace in Shotton and Welfare Close in Easington Colliery, as the grant funding regime from the Homes & Communities Agency is being accessed to substantially enable the proposed development, this requires that the housing built with the grant is utilised for social housing only as per the original bid by the Housing Association concerned. Any future changes to the use of the accommodation is subject to grant claw-back and could only be achieved with the express permission of both the Homes & Communities Agency and, as part of this process, by the Local Authority. As such with this protection in place it is considered that the use of the s106 condition of social housing in perpetuity would be an unnecessary burden on the developing Housing Association given the current financial climate and restricted access to private finance funding. Therefore, it is accepted that a Section 106 legal agreement is not appropriate in this instance.

Play Space

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space, as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of on site play space provision. The secured finance would be used to improve existing play space within the village of Shotton. The applicant has agreed to enter into such an agreement.

Renewable Energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. This application would be built to Code for Sustainable Homes level 3, which includes the provision of solar panels on the south facing roof slopes. However, in order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable. The scheme accords with the relevant development plan policies and would provide a variety of different house types and much needed affordable housing in the area. The proposals are of good quality design and would have no adverse impacts to surrounding occupiers or the street scene.

It is concluded that no section 106 legal agreement is necessary to secure the affordable housing in perpetuity as the use of the accommodation can only be agreed with the express permission of the Homes and Communities Agency and the Local Authority.

The developer has agreed to make a payment in lieu of play space provision in accordance with Local Plan policy 66.

The proposed “stopping up” of the existing public rights of way that pass through the site is acceptable in highways terms subject to the relevant consent being secured.

Subject to the agreement of the required section 106 in relation to play space provision and the suggested conditions planning permission should be approved.

RECOMMENDATION

Approval subject to the completion of a Section 106 Agreement relating to off site play space provision and subject to the following conditions:

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 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. Prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be

constructed and available for use prior to the occupation of the dwelling to which they relate.

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 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 construction work shall take place nor shall any materials or machinery be brought on the site unless all the trees and hedges indicated on the approved plans as being retained are protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local planning authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges all as indicated on, and in accordance with, the approved landscape plan and retained throughout construction works. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the Local Planning Authority. Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees. Any removal of limbs of trees or other tree work shall not be done except when the appropriate approval has been sought and granted by the local planning authority.
8. 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.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local planning authority.

10. Development shall not commence until a detailed scheme for the diversion or abandonment of Northumbrian Water's apparatus to avoid building over by 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 be carried out in accordance with the approved details.
11. Development shall not commence until a detailed scheme for 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 be carried out in accordance with the approved details.

REASONS FOR THE DECISION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
DISTRICT OF EASINGTON LOCAL PLAN	TAC47 - Footpaths and other public rights of way

2. In particular the development was considered acceptable having regard to consideration of issues of amenity and design.

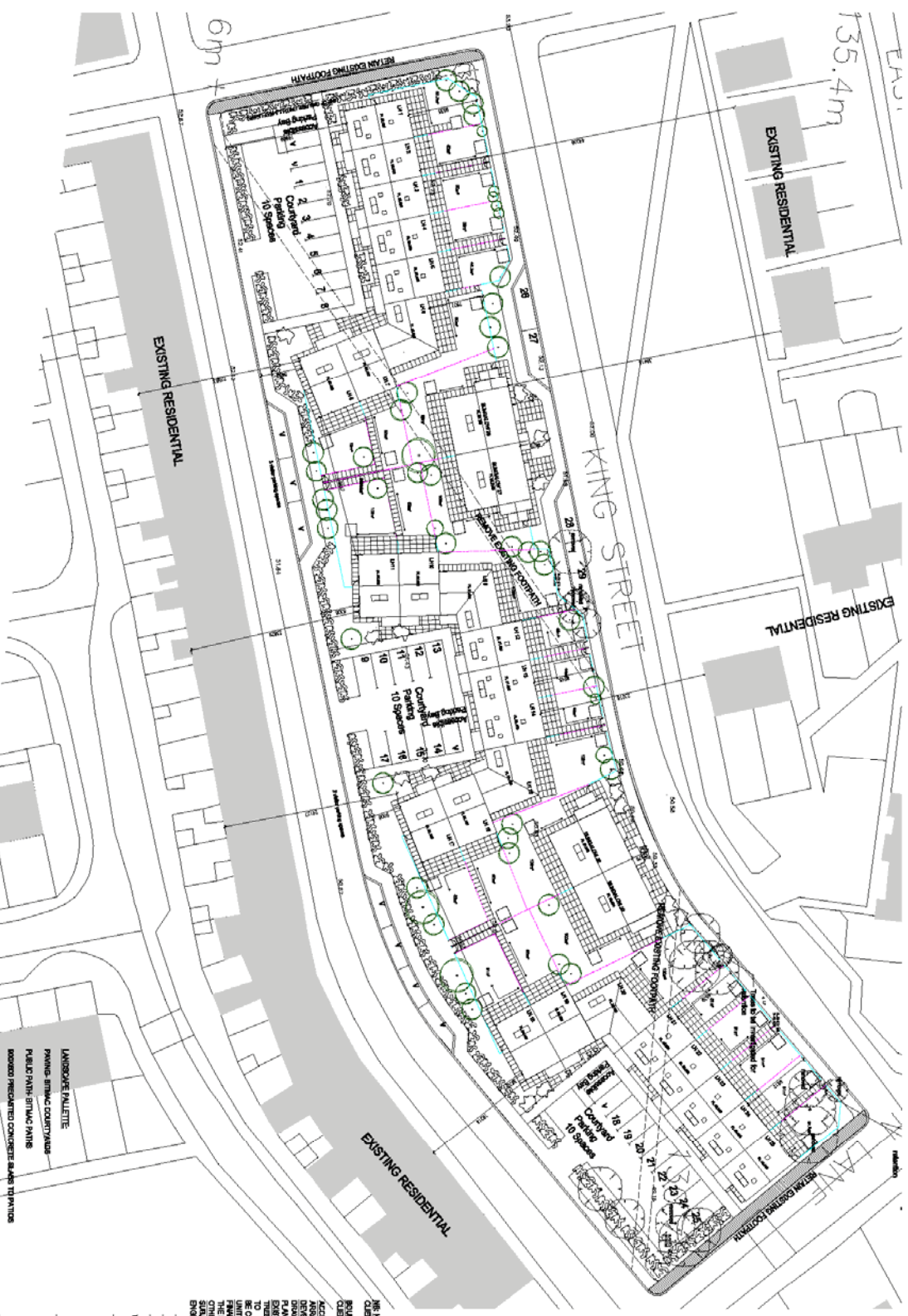
BACKGROUND PAPERS

- 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, PPS9, PPG13
- Consultation Responses



2.0m average level to lowest grade
 5m existing floor to top of ground
 5m existing floor to top of ground

LANDSCAPE PALETTE
 PLANKS: SHIMAO CONCRETE/PAVE
 PAVED PATH: SHIMAO PAVE
 BARRIERS: PRECAST CONCRETE SLABS WITH VERTS
 BOUNDARY TREATMENT
 FENCE TYPE 1: 1200mm x 3000mm SHIMAO STYLE FENCE
 FENCE TYPE 2: 1800-HIGH ALUMI. BARRIERS FENCE
 TREES AND SHRUBS AS SHOWN, TREES TO BE PLANTED
 TYPED LAWN AS SHOWN



THIS PLAN HAS BEEN PRODUCED ON THE BASIS OF CLIENT SUPPLIED ELECTRONIC DRAWINGS.
 ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AND ITS SERVICES.
 CLIENT TO OBTAIN ACCURACY OF BOUNDARY AS SHOWN.
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Project Name: 301 King Street, Toronto, Ontario M5T 1K7
 23rd Floor, 301 King Street, Toronto, Ontario M5T 1K7
 416-593-8888
 416-593-8888

NOT FOR CONSTRUCTION

REVISION	DATE	DESCRIPTION
1	2023-11-15	ISSUED FOR PERMIT
2	2023-11-15	ISSUED FOR PERMIT
3	2023-11-15	ISSUED FOR PERMIT
4	2023-11-15	ISSUED FOR PERMIT
5	2023-11-15	ISSUED FOR PERMIT
6	2023-11-15	ISSUED FOR PERMIT
7	2023-11-15	ISSUED FOR PERMIT
8	2023-11-15	ISSUED FOR PERMIT
9	2023-11-15	ISSUED FOR PERMIT
10	2023-11-15	ISSUED FOR PERMIT