



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

27 OCTOBER 2009

2. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
PL/5/2009/0219 Gateway Homes	3 – 6 Front Street, Wheatley Hill	12 No. Apartments	APPROVE Page No. 1 - 7
PL/5/2009/0286 Pride Valley Foods	Unit 14, Partnership Court Seaham	Concrete base, increase in height of 2 No. Flour Silos by 88cm and Associated Equipment, Access Road, Extension to existing Substation and Erection of New Substation (Retrospective)	APPROVE Page No. 8 - 13
PL/5/2009/0351 East Durham College	East Durham College, Willerby Grove Peterlee	Free Standing Sign	APPROVE Page No. 14 - 20

PL/5/2009/0358 Mr J Hayden	Unit 11, Hackworth Road Blackhall	Change of Use to General Auctioneers (Saturdays Only)	APPROVE Page No. 21 - 28
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4/09/568/FPA Gainford Care Homes (NE) Ltd	The Newton Hall Public House Carr House Drive Newton Hall Durham DH1 5LT	Demolition of existing public house, and erection of 56 bedroomed nursing home, with associated car parking, servicing and amenity space	APPROVE Page No. 29 - 41
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4/09/628/FPA Durham Villages Regeneration	Land At Commercial Street Brandon Durham	Erection of 61 no. dwellings with associated parking and highways	APPROVE Page No. 42 - 56
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0219
FULL APPLICATION DESCRIPTION	12 NO. APARTMENTS
NAME OF APPLICANT	GATEWAY HOMES
SITE ADDRESS	3 - 6 FRONT STREET, WHEATLEY HILL
ELECTORAL DIVISION	THORNLEY
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The site is located within a mixed commercial and residential area of Wheatley Hill and the current redundant building comprises a large scale, two and three storey structure fronting the main street and extending right back to Moor View to the rear. Moor View serves a number of residential properties as well as an abattoir business. It is an adopted highway owned by the County Council.

It is proposed to demolish the existing building and erect a three storey structure to provide 12 apartments and their associated car parking areas. The form and scale of the proposal is similar to the existing building but it does not extend back to Moor View to the rear, this area being given over to parking.

The external materials are intended to be a mixture of brick, render and concrete roof tile covering. Vehicular access to the site will be via Moor View, an adopted road, with pedestrian access being available from both the front and rear of the properties. A small garden area is provided to the front of the building, behind a low brick wall and railings.

In support of the application, the applicant has submitted the following comments:

"The proposal seeks to replace the existing building with a sympathetic infill to reflect the heights and position of the existing building and to harmonise with the surrounding architectural styles. Consideration has been given to providing a scheme of the highest possible design quality. Details to reflect the local built environment have been incorporated to achieve the positive elements of the local townscape. Traditional domestic detailing is provided to important elements of design with good quality brickwork specified to reflect the presence of red range brickwork and roofing tiles used in the area. Windows are proportioned to reflect traditional styles and the use of art stone heads and cills further enhance the appearance of window and door openings.

Designs will be considered carefully to the requirements of national guidance for the conservation of fuel and power to meet ECOHOME standards.

16 parking spaces will be provided to the rear and south of the apartments. Pedestrian access will be maintained from the front and rear of the development. “

PLANNING HISTORY

99/217 – Outline permission for residential development approved

05/721 – Outline permission for 8 dwellings approved

PLAN/2007/0813 – 10 residential apartments approved

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.

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

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.

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:

The Parish Council and a Local Councillor have raised concerns. The Parish Council welcome the prospect of the redevelopment of a dilapidated building but has concerns that the apartments would remain vacant due to the housing market. Concerns were also raised that the access roads were un-adopted and that the proposals may compromise the work carried out on the Wheatley Hill development Master Plan. The Local Councillor raised concerns that the proposal would create parking and access problems to the rear of the site where the abattoir is located.

INTERNAL CONSULTEE RESPONSES:

Highways Authority – Parking provision is adequate. Also confirmed that all access roads are adopted public highway so there is no requirement for the applicant to upgrade the roads. No objections raised.

Countryside Officer – demolition should take place out of bat breeding season and advice contained in bat report should be noted.

Regeneration Officer – Support. The application would complement the Wheatley Hill Renewal Strategy as it would provide investment into the village, create attractive residential development in the village centre and encourage population growth.

Environmental Health – no objections.

Local Plans – no objections.

PUBLIC RESPONSES:

Two letters have been received from nearby residents, neither are objections.

One relates to matters covered by the Party Wall Act and which are mostly not planning issues. However, there are concerns raised in relation to a bathroom window, which would be in close proximity to the gable wall of the apartments.

The other letter relates to parking and access, issues that have been addressed by the Highways Authority.

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=104582>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues considered to be relevant to this application are:

- The principle of the development
- The visual impact of the proposal on the locality
- Traffic generation
- Neighbour response

The principle of the development

It should be noted that there is an existing planning permission for 10 apartments on this site, which can still be implemented. As such, this application basically proposes two additional apartments with minor design amendments. The site is brownfield and lies in a central location within the village boundary and is therefore appropriate for residential development as proposed. Some concerns have been expressed by consultees regarding the appropriateness of apartment development in this location, however there are no planning policies in place that restrict such development to certain areas of villages. Each application is considered on its merits and in planning terms there are no material reasons why the principle of apartment/flat development should not be acceptable in this Front Street location. If approved, it will be necessary to impose a condition, which requires the development to generate 10% of its energy from a renewable source, in accordance with Regional Spatial Strategy Policy 38.

The visual impact of the proposal on the locality

The existing redundant building on this site is large and visually intrusive, dominating the local environment around Front Street and Moor View to the rear. Its demolition and replacement with new development as proposed is considered to be a significant improvement, bearing in mind the existing situation and the design of the replacement building. The scale and design of the proposed building are considered to be appropriate taking into account surrounding buildings and their designs. The regeneration officer has confirmed that the proposals would complement the Wheatley Hill Renewal Strategy, as it would replace a currently dilapidated building in the centre of Wheatley Hill. As no open space is proposed on site, the developer has agreed to enter into a Section 106 legal agreement that will ensure a financial contribution is made for upgrading of recreational facilities elsewhere in Wheatley Hill.

Traffic generation

The number of dwellings proposed is considered acceptable to the Highway Authority in traffic generation terms. Access is gained via Moor View, which is an adopted road, and adequate space is available to the rear of the site for occupiers and visitor car parking, (16 spaces). The existing building and its past and potential use is capable of generating a considerable amount of traffic in the locality; the proposed use is therefore seen as comparable in traffic impact terms. The highways authority has confirmed that the access roads are adopted public highways and have no objections to the proposals.

Neighbour response

A neighbour has queried whether a bathroom window would be blocked due to the proposed development. Plans show that this window would be in close proximity to the gable end of the proposed apartments. However, after a brief site history search it was noted that this window was not shown on the approved planning drawings when the house was built, and is already located very close to the wall of the existing building. In addition, it would be unreasonable to allow this window to prejudice development of the application site as the neighbour has chosen to locate the window in this position and it overlooks land that is not under their control. It should also be noted that the window serves a non-habitable room.

CONCLUSION

In planning terms the development of this site is acceptable for residential development. Regeneration officers have raised no concerns regarding the proposed development in relation to the Wheatley Hill Master Plan. It is considered that the design of the building is compatible with existing buildings nearby and represents an improvement to the environment compared to the existing situation. Traffic generated by the proposal is unlikely to cause problems in the locality and is likely to be less than that generated by potential uses of the existing building if brought back into use.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant entering into a Section 106 agreement to secure a financial contribution for off-site recreational facilities 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. All demolition works shall take place outside the bat breeding season (May to September inclusive).

4. 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.
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. 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.

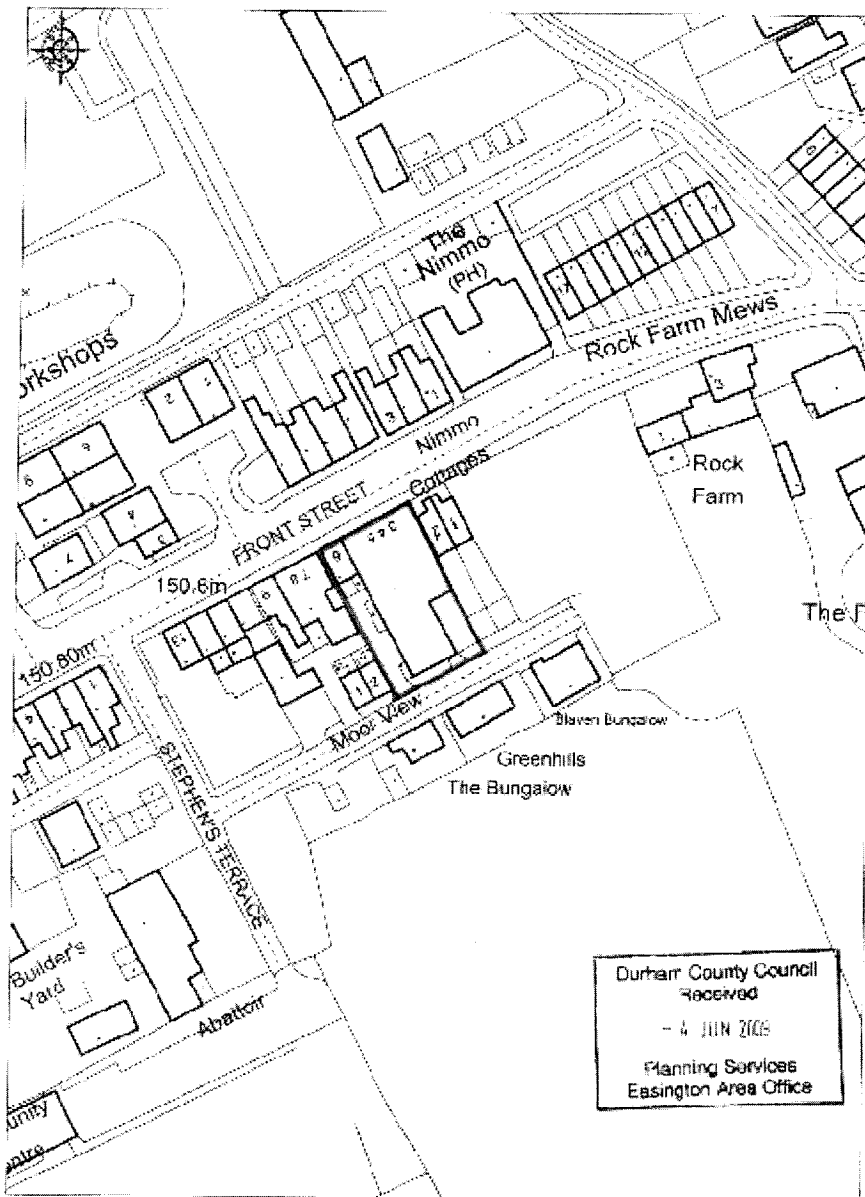
REASONS FOR THE RECOMMENDATION

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

<p>DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN PLANNING POLICY STATEMENT/GUIDANCE</p>	<p>ENV35 - Environmental Design: Impact of Development ENV36 - Design for Access and the Means of Travel ENV37 - Design for Parking GEN01 - General Principles of Development HOU67 - Windfall housing sites PPS3 - Housing</p>
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2. In particular the development was considered acceptable having regard to consideration of issues of the principle of development, impact on the street scene and surrounding occupiers, and highways issues.

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Durham County Council
 Received
 - 4 JUN 2005
 Planning Services
 Easington Area Office

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0286
FULL APPLICATION DESCRIPTION	CONCRETE BASE, INCREASE IN HEIGHT OF 2 NO. FLOUR SILOS BY 88CM AND ASSOCIATED EQUIPMENT, ACCESS ROAD, EXTENSION TO EXISTING SUBSTATION AND ERECTION OF NEW SUBSTATION (RETROSPECTIVE)
NAME OF APPLICANT	PRIDE VALLEY FOODS
SITE ADDRESS	UNIT 14, PARTNERSHIP COURT, SEAHAM
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application site is located on the Seaham Grange Industrial Estate in the northern part of Seaham. It is surrounded by other industrial, storage and distribution uses of varying scales and designs. The applicant is a local employer which manufactures various foodstuffs.

Planning permission was granted in 2008 for the erection of two stainless steel flour silos, an access road, an extension to an existing substation and a new substation. The flour silos were required for the ongoing food manufacturing process and were needed to replace two smaller, obsolete silos on another part of the site. The silos were shown as being 19 metres high on the approved plans. However, after they had been erected a number of nearby residents raised concerns regarding the height of the silos, their impact on residential amenity and the wider landscape. Concerns were also raised that due to the height of the silos, a greater number of residents should have been consulted as part of the application process and given the opportunity to express their concerns. As a result of these concerns, the silos were measured and found to be 88cm larger than what had been approved; in addition, a number of other works had been completed which did not strictly accord with the approved plans including minor alterations to the access road, new substation and extension to the existing substation, all of which required this current retrospective planning application to be submitted.

Due to the concerns of residents, the current application is being reported to members, however it should be noted that this application only seeks to secure retrospective planning permission for the minor alterations to the access road and substation works, and the increase in height of the silos by 88cm to 19.88 metres, as the silos already have planning permission for a height of 19 metres.

The applicant has submitted a statement in support of the application which states:

"The existing Silos were condemned by independent health & safety inspectors as they failed to meet current ATEX DSEAR Regulations, therefore new Silos were required to enable the business to continue safely.

The Silos are part of an automatic flour handling system which eliminates the manual handling of approximately 20 tonnes of flour.

The location was selected as 2No sides of the factory are inaccessible and the third side has the offices and distribution access and egress points. This only left the current location of the Silos, which resulted in the need for a new access road and turning circle.

In conclusion the Silos were essential for the future of the factory, to meet health & safety standards and maintain the current workforce."

PLANNING HISTORY

PLAN/2008/0208 - Two stainless steel flour silos, access road, an extension to an existing substation and a new substation, approved.

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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 52 - Seaham Grange Industrial Estate is designated as a prestige estate. Proposals for Class B1, B2 or B8 will be approved where in accordance with policy 35, external storage at the rear is screened and the proposal will not detract from the estate as a whole. Retail will only be allowed in accordance with policy 105.

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:

Highways Agency – no objections.

INTERNAL CONSULTEE RESPONSES:

Highways Authority – no objections.

Environmental Health – no objections.

PUBLIC RESPONSES:

Site notices have been erected and 91 consultation letters have been sent to surrounding occupiers and residents. 4 letters of objection have been received from residents, concerns relate to:

- Silos being extremely high, ugly and brightly coloured.
- Would impact on house prices.
- Silos should be demolished or significantly reduced in height.
- Adverse impact on landscape and tourism in Seaham.
- More people should have been consulted on the original application.

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=105163> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations related to this application are the impact of the increase in height of the silos by 88 cm on the surrounding landscape and nearby residents, the impact of the minor amendments to the access road and substations, and the consultation responses received from nearby residents.

Impact on landscape and nearby residents

It is acknowledged that the silos are significantly higher than any other structure on the industrial estate and surrounding area. However, this application relates only to a small increase in the height of the silos, which already have the benefit of planning permission. Therefore it is considered that the increase does not lead to any further, unacceptable impact on the landscape or surrounding occupiers which should lead to a refusal of planning permission. It should also be noted that this is an industrial development required for the manufacturing of foods on an existing, allocated industrial estate, where

developments of external plant and machinery of varying kinds are not unusual on such sites. The minor alterations to the access road and substations are not significant and do not lead to any adverse impacts.

It is noted that the original, smaller silos have not yet been removed, accordingly should this application be approved, a condition should be attached which requires their removal.

Consultation responses

One objector has suggested that the silos should be demolished or significantly reduced in height. However, planning permission has already been granted for two silos with a height of 19 metres, and it is not considered that a reduction to this height would significantly reduce the impact on the amenities of residents. In addition, the objector states that the silos are brightly coloured. They are made from stainless steel, which reflects light during clear days, however this is expected to weather and become duller over time. In any event, this is not considered to be an unsuitable external finish.

It has also been suggested that a wider consultation should have taken place in relation to the original application. It is noted that some neighbour letters were sent and site notices were erected at the time, and this was in accordance with statutory requirements. In recognition of the concerns raised following erection of the silos, in this instance 91 letters have been sent to surrounding residents and site notices have been posted. This has resulted in only 4 letters of objection.

With reference to impact on house prices, this is not a material planning consideration.

CONCLUSION

In summary, it is considered that the increase in height of the silos and the minor amendments to the access road and substations do not result in any significant adverse impact on the landscape or surrounding residents that would warrant refusal of planning permission. Therefore it is considered that the proposals accord with policies 1, 35 and 52 of the District of Easington Local Plan.

A thorough consultation exercise has been carried out which has led to relatively few objections to the scheme. In addition, the refusal of planning permission may impact on the jobs of workers currently employed at the site.

RECOMMENDATION

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

Conditions:

1. The two silos described as 'silo removed' on the Existing Extension to Sub Station Plan received 18th August 2009, shall be permanently removed from the application site within 8 weeks of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

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

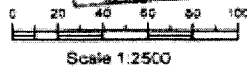
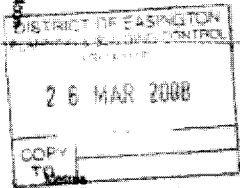
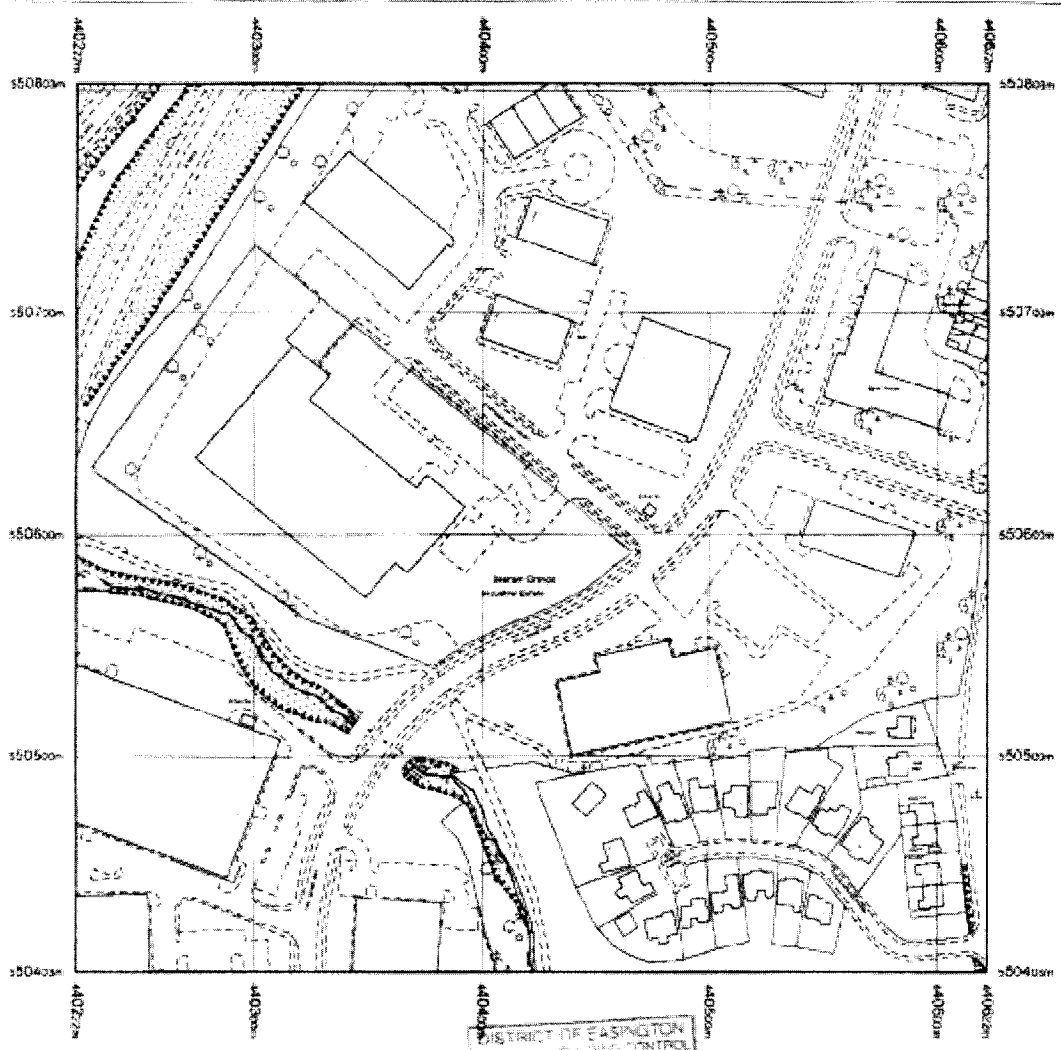
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
IND52 - Prestige Industrial Estates

2. In particular the development was considered acceptable having regard to consideration of issues of visual amenity and highways issues.
3. The stated grounds of objection concerning loss of visual amenity were not considered sufficient to lead to reasons to refuse the application because this application relates only to a small increase in height of the silos, which would have a minimal additional impact on nearby residents and the surrounding area.

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



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District of Easington	
Pride Valley Foods	
Seaham Grange Ind Est	
Seaham SH7 DP1	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0351
FULL APPLICATION DESCRIPTION	FREE STANDING SIGN
NAME OF APPLICANT	EAST DURHAM COLLEGE
SITE ADDRESS	EAST DURHAM COLLEGE, WILLERBY GROVE, PETERLEE
ELECTORAL DIVISION	WINGATE
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application relates to the East Durham College site that has recently undergone extensive redevelopment resulting in a new college building, sports hall, games pitches and associated development. The proposed sign would be located within the existing complex approximately 15 metres in from the main vehicular entrance to the college site, accessed from Willerby Grove.

The sign will be a free standing structure within the existing car park and it is proposed to be illuminated. Plans were originally received indicating that the signage would be 4.5m tall, 1.8m wide and 0.3m deep. Due to concerns in relation to the scale of the development amended plans have been received reducing the size of the sign to 3.5m by 1.4m by 0.25m.

In a supporting statement the college have indicated that "the new sign is intended to highlight the entrance to the new campus, via Willerby Grove, it will help draw and guide in new visitors from Burnhope Way. It will also work as a 'welcome to EDC message for' and 'branding tool for' the college. It will have high production values in keeping with the rest of the new build, which will send out the right message about our organisation and its brand values. It is sized to sit in scale with the new build, but set within the grounds rather than next to the perimeter fence so as not to be too intrusive to local neighbours. The sign will also highlight, up front, some important 'housekeeping' messages to those using the college car park."

PLANNING HISTORY

The recent redevelopment at the college site has lead to two applications being received in relation to advertisements at the site. These applications are as follows:

PL/5/2009/0101 – External signage – conditional approval 1/12/2008

PLAN/2008/0608 – Signs – conditional approval 29/04/2009

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 Guidance 19: This PPG explains that the main purpose of the advertisement control system is to help those involved in outdoor advertising to contribute positively to the appearance of an attractive environment in cities, towns and the countryside.

The advice covers pre-application discussions, deemed consent, exemptions from detailed control and temporary as well as permanent advertisements. The role of guidance on design is explained as are criteria for dealing with advertisement applications.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

District of Easington Local Plan

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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 40 - The location and design of adverts should be appropriate to the character of the buildings on which they are sited and to the surrounding area and should not conflict with traffic signs or signals.

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:

Town Council: Although not opposed to appropriate and necessary signage concerned that 4.5m is too high.

INTERNAL CONSULTEE RESPONSES:

Highways: No objection
Environmental Health: No objection however suggest condition relating to hours of illumination

PUBLIC RESPONSES:

Neighbour responses: Seven letters of objection have been received from local residents on the grounds that the sign will have a detrimental effect upon the street scene, it is too large, it is illuminated, why there is the need for such a sign and that the money could be better spent.

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=105791>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this application are;

- Visual Impact
- Illumination
- Highway matters
- Objections
- Consultation

Visual Impact

Planning policy guidance (PPG19) highlights that when assessing an advertisement's impact on amenity attention should be paid to the impact that the development will have on the visual amenity in the immediate neighbourhood where it is to be displayed as well as the cumulative effect it will have on its surroundings. Furthermore local policy advice, contained within policy 40 of the local plan, states that the location and design of advertisements should be appropriate to the surrounding area.

Signage applications need to be assessed in the context of their surroundings. With regard to the proposed freestanding sign it will be located well within the boundary of the site and will be viewed against the backdrop of the college site and buildings. In other contexts it

could be argued that a sign 3.5 metres in height would be overly large and dominant but in this particular setting within the car park it is considered that the proposed sign is appropriate to the character and scale of the surrounding site and buildings. Therefore, following amendments reducing the height from 4.5 to 3.5 metres it is not considered that the sign will have an adverse impact upon the street scene.

Already within the site there are two large advertising displays both on the main college building and the sports hall. With regard to cumulative impact it is not considered that the introduction of a third sign would negatively impact on the surrounding area as three signs within such a large site is not seen as excessive.

Given that the sign is to be constructed from aluminium panels, finished gloss black it is not considered that through its design it would be unduly prominent.

Illumination

The proposed sign is to be illuminated internally by means of white LED's giving a halo effect illumination to the text and logo only. Advice from the environmental health section has suggested that a time limit condition could possibly be added to any grant of approval to overcome neighbour concerns. The college has submitted a written statement to indicate that the sign would be linked to the car park lighting which is programmed to shut down at 2200hours. In light of this information and given that the main college building is illuminated all night it is not considered necessary or reasonable to request a condition of this effect.

Highway matters

Durham County Council Highways Section consider that there are no highway/traffic implications as a result of the proposed sign, which is deemed to be acceptable from a highways point of view. The development is therefore seen to accord with the relevant national and local policies in relation to advertisements and highway safety.

Objections

Several neighbour objections have been received from the residential estate opposite the proposed development. The sign would be situated approximately 40 metres away from the nearest residential property and given the topography of the area would be sited at a much lower ground level. It would also be viewed against the backdrop of the college site. On this basis, it is considered that there would be no significant adverse effect on residential amenity. The majority of the issues that have been raised as concerns, such as scale of the sign, impact upon the street scene and that it is illuminated, have already been covered elsewhere in this report.

The remaining objections are in relation to the need for the sign and that the money could be better spent. In their supporting statement the college have outlined the reasons why they require the sign and given that it is considered suitable in all other aspects the need is not questioned. In terms of the money being better spent elsewhere, this is not a planning consideration.

Consultation

One local resident raised a concern that the whole residential estate should have been consulted as part of the application process. The Local Planning Authority has fulfilled its statutory requirements by displaying a site notice and by sending neighbour notification letters to those properties nearest the proposed sign. Furthermore given that the properties

not directly consulted are in excess of 80 metres away from the development and with no direct views onto it the Council's consultation exercise is considered to have been sufficient in the circumstances.

At the time of writing this report the application is still within a public consultation period due amended plans being received showing the reduction in size of the sign as described earlier in this report. As yet no comments have been received in relation to the amendments however any subsequent comments will be reported verbally to Members at the Committee Meeting.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.

It is considered that the size of the sign is appropriate to the character and scale of the college site and buildings. Given that the sign will be viewed against this backdrop and is set well back from the road frontage it should not unduly impact upon surrounding residential area or the wider street scene, and would not prejudice highway safety.

RECOMMENDATION

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

Conditions:

1. This consent to display the advertisement(s) is for a period of five years from the date of this permission.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (a) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (b) hinder the operation of any device for the purpose of security or surveillance or for measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair visual amenity.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason for conditions 2 - 6 - standard condition under the provisions of the above mentioned regulations.

REASONS FOR THE RECOMMENDATION

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

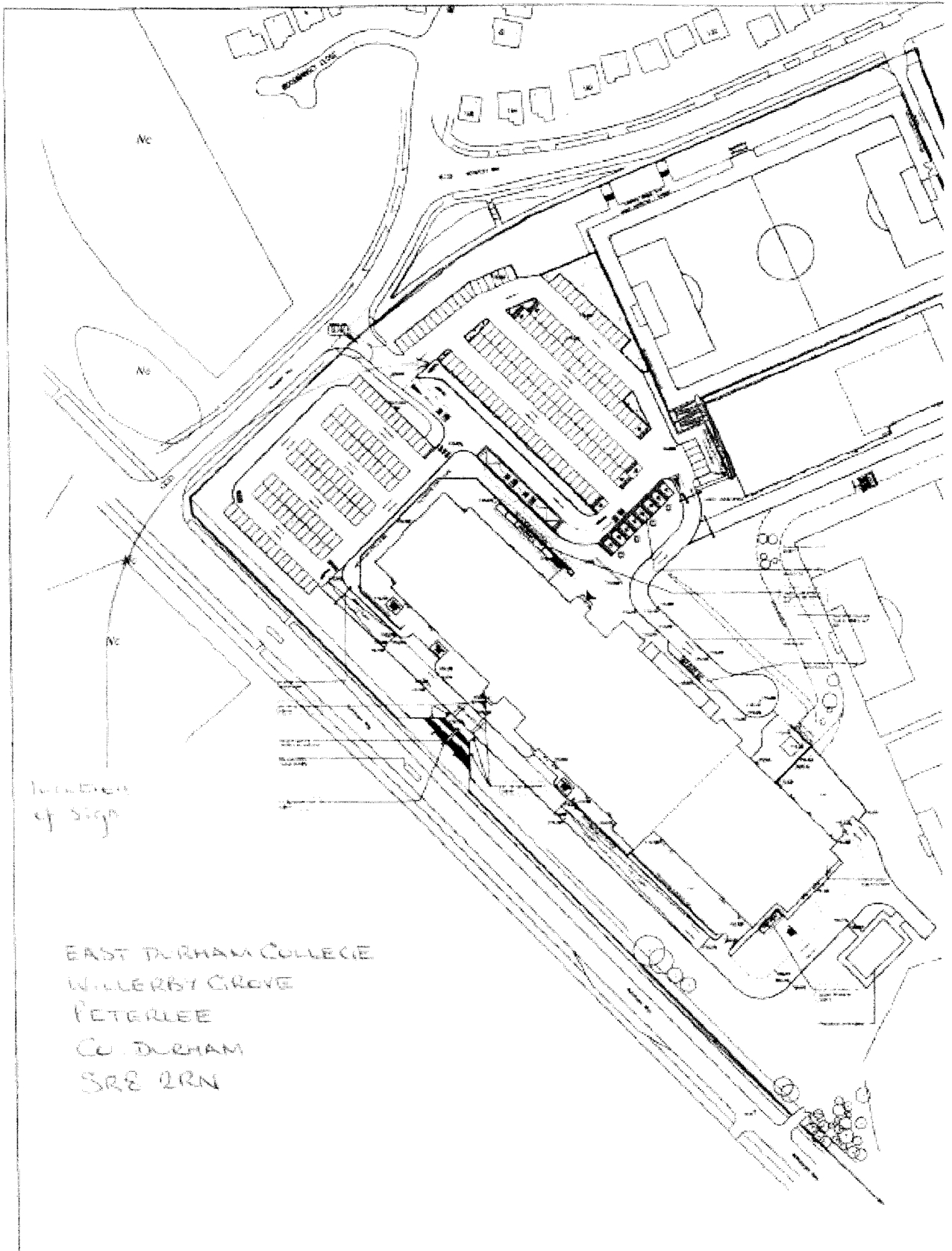
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE

ENV35 - Environmental Design: Impact of Development
ENV40 - Control of Advertisements
GEN01 - General Principles of Development
PPG19 - Outdoor Advertisement Control
PPS1 - Delivering Sustainable Development

2. In particular the development was considered acceptable having regard to consideration of issues in relation to visual impact, illumination, highway matters, objections and consultation.
3. The stated grounds of objection concerning the design and need for the sign were not considered sufficient to lead to reasons to refuse the application as not considered to adversely effect amenity or highway safety.

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, PPG19
- Consultation Responses



Location of sign

EAST DURHAM COLLEGE
WILLERBY GROVE
PETERLEE
CO. DURHAM
SR8 2RN

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0358
FULL APPLICATION DESCRIPTION	CHANGE OF USE TO GENERAL AUCTIONEERS (SATURDAYS ONLY)
NAME OF APPLICANT	MR J HAYDEN
SITE ADDRESS	UNIT 11, HACKWORTH ROAD, BLACKHALL
ELECTORAL DIVISION	BLACKHALLS
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The application relates to a vacant unit within Blackhall Industrial Estate. The estate is situated on the northeastern edge of Blackhall and is accessed from Tenth Street. The industrial estate is comprised of approximately 17 units, the majority of which are currently vacant.

The applicant would use the premises during the week as a wagon body repair centre which is considered to fall within the types of uses appropriate to the industrial estate, and for which no formal consent is required. The matter under consideration is a proposed general auction. Various miscellaneous items would be sold which include all different types of poultry, bridle equipment, tools and equipment, animal feed and associated items. The auction would be held on a Saturday only; preparation for the sale would begin at 0800 with the sales beginning at 1000 and the site should be cleared by 1400.

The auction currently operates from the semi-derelict Gore Hall Farm buildings within Thornley. Due to a pending planning application, which proposes houses on the site, the long-term future of the auction cannot be guaranteed. Due to this and following discussions with East Durham Business Services the applicant proposes to relocate the auction to Unit 11 on Blackhall Industrial Estate. Several complaints have been received from local residents in relation to the current auction concerned about traffic and vehicular movements around the site.

In support of the application the applicant has advised that he has a car park attendant to help over see parking from 0800 onwards until the sale finishes. More specifically in relation to concerns raised by a current occupier of the estate, Tube Supply Limited, he has stated that he will ensure his customers will not park within the car park outside these units or any of the grassed areas of the estate.

The applicant indicates that he would just like to be given a chance to prove his worth. He feels his business will be a benefit to the local community by employing several members of staff, by populating an industrial estate which is currently under occupied and by bringing business to the local community by additional through traffic. He states he is very conscientious and would never leave the site in an untidy state.

PLANNING HISTORY

Nothing relevant to the current application

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>

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 54 - Small industrial estates are designated for B1, B2 and B8 uses at various specified locations. Retail will be allowed in accordance with policy 105. Bad neighbour uses may also be allowed at Thornley Station.

Policy 105 - Retail development on industrial estates will only be allowed if it is of small scale or relates to the sale of items manufactured on the premises or the same estate where the sale is subsidiary to their manufacture and accords with policy 104.

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:

Parish Council: No comments received

INTERNAL CONSULTEE RESPONSES:

Highways: Support the relocation from current venue at Thornley however suggest condition is imposed to limit timescale of development so that any potential problems can be monitored. Further clarification sought on where the parking spaces are.

Environmental Health: No comments received

Policy: Due to being small scale may be acceptable subject to a temporary timescale

PUBLIC RESPONSES:

Neighbour responses: Three letters of objections have been received in relation to the proposed development from two local businesses and the allotment association on the grounds of associated traffic and parking problems, litter and competition to other businesses.

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=105827>. Officer

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this applicant are;

- Planning policy
- Highway matters
- Objections

Planning policy

Blackhall Industrial Estate is designated as a small industrial estate (policy 54) where the following uses are allowed: class B1 (business), B2 (general industry) and B8 (warehousing). For the majority of the week, Monday to Friday, the unit will be used for purposes which fall within the above classifications, for which no formal consent is required. The matter under consideration therefore is the auction to be held on a Saturday.

Planning permission for retail development on industrial estates will only be approved where the proposal is of small scale (policy 105). As a result of the limited range of goods on offer and given that the sale will only occur for approximately four hours on a Saturday it is considered that the proposed auction accords with the relevant policies as it is deemed to be sufficiently small in scale. Furthermore, with such limited hours of operation and the types of goods being sold, it is considered that the proposal would be unlikely to threaten the vitality and viability of Blackhall shopping centre in Middle Street. The majority of items within the sale are not the type of goods that would normally be available within the local shopping centre.

Given that the industrial estate does suffer from a high number of vacancies the fact that someone is willing to take on a unit at this time should be welcomed. Furthermore, the business will employ three fulltime and one part-time members of staff.

Highway matters

One of the main considerations of this application is the potential highway issues that could arise as a result of the development. To try and assess the potential impact of the proposed use both the case officer and a representative from the highways section have visited the industrial estate on a number of occasions, with one visit also taking place to the current auction site in Thornley when it was operating.

The assessment at Thornley indicated a maximum of 50 vehicles parked around the site at any one time, however, given that the auction takes place in a residential area some of these are likely to have been associated with nearby properties. The majority of the time it appeared that numbers were closer to 30-35 vehicles dropping to as low as 20 cars. It was also noted that

customers visited the auction in steady streams over the period it was open rather than there being a rush of cars at any one time.

As indicated several inspections were carried out in Blackhall Industrial Estate to establish how busy it was and hence the impact any additional parking and vehicular movements associated with the auction may have on the existing users of the industrial estate. From these visits it was ascertained that there appear to be four businesses in operation with the other eight or so units seeming to be vacant and giving the impression of an under occupied and quiet industrial estate. The estate was even quieter on a Saturday when the proposed auction would take place.

As a result of these visits it is considered that the amount of traffic generated by the proposal would not be likely to have significant impact upon Tenth Street, the main access to the industrial estate, bearing in mind current occupancy levels at the estate, the expected number of visitors and the manner in which they arrive. The proposal is therefore seen to accord with policy 35 of the Local Plan.

As part of the application the applicant has mentioned that he has access to 30 car parking spaces. Exact details of locations were not submitted therefore the highways officer has requested clarification of where these spaces are. At the time of writing this report confirmation is being sought from the applicant in relation to this matter. Whilst this particular issue is being resolved, the highways officer does not see the potential for some on street parking on Hackworth Road as having a significant adverse impact on surrounding occupiers. Overall the highways officer is supportive of the proposed relocation from Thornley to Blackhall.

Although the assessment of the current auction operation suggests that it would not result in traffic or parking problems, the future level of activity at Blackhall cannot be accurately predicted. Furthermore, while many of the industrial units are currently vacant, this situation will hopefully change over time. In these circumstances it is considered appropriate to grant only a temporary permission for a period of six months, to enable the situation to be monitored. This would provide the opportunity for the Council not to renew the permission if there was evidence of problems occurring.

Objections

Many of issues that have been raised as concerns, such as the traffic and parking problems and the retail impact on Middle Street have already been covered elsewhere in this report. The remaining objection is in relation to litter. On a recent site visit to the current auction it was noted there were several temporary litterbins placed around the site therefore rubbish did not seem to be an issue.

CONCLUSION

Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with policy. It is not considered that it would have a detrimental impact upon the amenities of the surrounding area or wider setting more generally that would justify refusal of this application.

It is considered that the proposed use would not prejudice the vitality or viability of the retail area at Blackhall and should be welcomed within Blackhall Industrial Estate especially given it is currently underused. Furthermore, by only allowing permission on a temporary basis any potential issues in relation to parking and traffic can be monitored.

RECOMMENDATION

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

Conditions:

1. This consent is granted for a temporary period of six months from the date hereof when, unless the renewal of consent has been sought and granted previously, the use hereby approved shall be discontinued and the building shall revert to its former use.

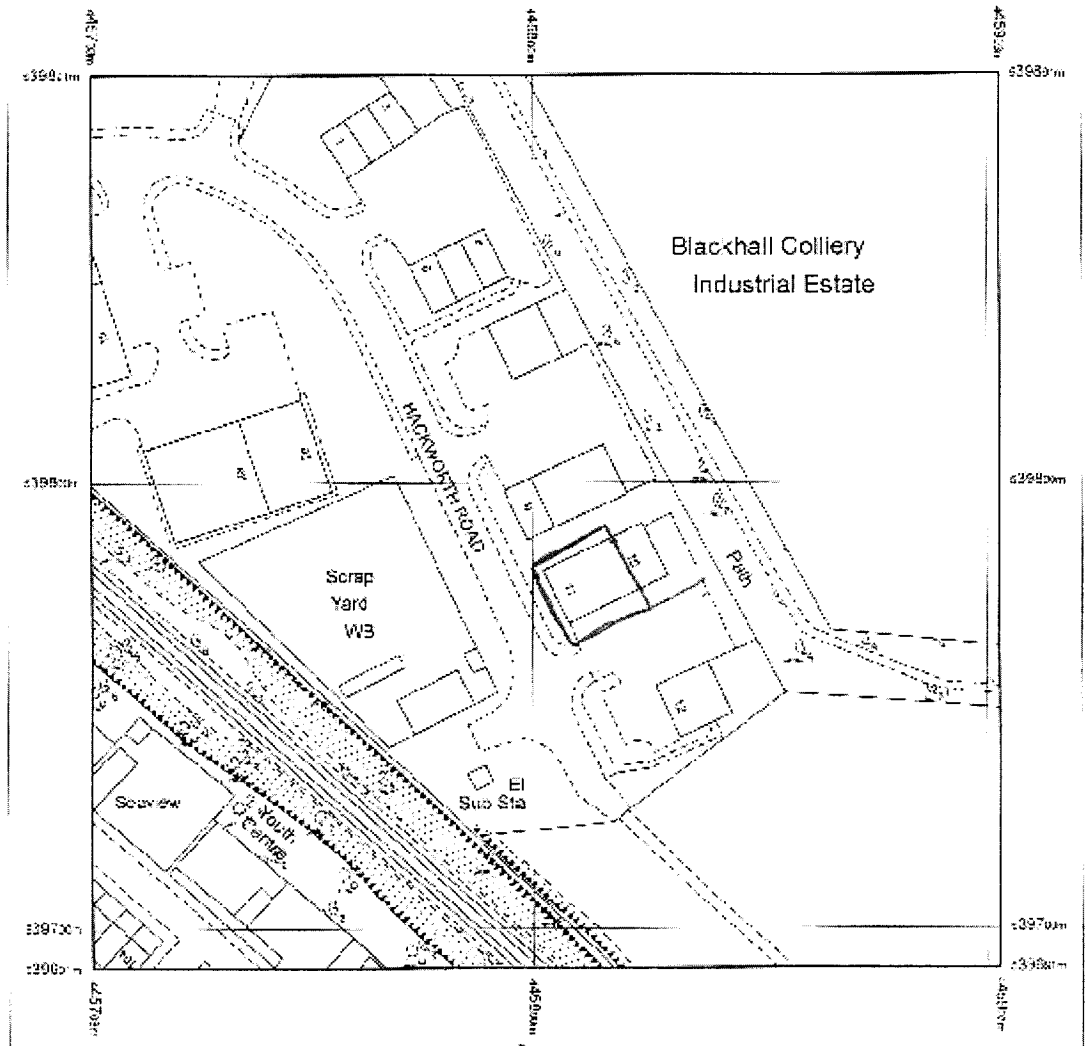
REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	IND54 - Existing Small Industrial Estates
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 – Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 – Design for access and the Mean of Travel
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
DISTRICT OF EASINGTON LOCAL PLAN	SHO105 - Retailing on industrial estates
2. In particular the development was considered acceptable having regard to consideration of issues in relation to planning policy, highway matters and objections.
3. The stated grounds of objection concerning highways, litter and competition were not considered sufficient to lead to reasons to refuse the application because the proposal is considered to accord with the relevant national and local development plan policies and is acceptable in terms of highways subject to a temporary permission.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
 - 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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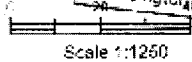
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 4/09/00568/FPA

FULL APPLICATION DESCRIPTION: Demolition of existing public house, and erection of 56 bedroomed nursing home, with associated parking, servicing and amenity space

NAME OF APPLICANT: Gainford Care Homes (NE) Ltd

SITE ADDRESS: The Newton Hall Public House, Carr House Drive, Newton Hall, Durham, DH1 5LT

ELECTORAL DIVISION: Newton Hall

CASE OFFICER: Hilary Sperring
Hilary.sperring@durham.gov.uk
0191 3018742

DESCRIPTION OF THE SITE AND PROPOSALS

The application site, is approximately 0.28 hectares in size, and relates to the former Newton Hall Public House which was a two-storey building of brick and tile with residential accommodation above, which fronted Carr House Drive, Newton Hall, with large car park to the rear. The public house was demolished earlier this year. The site has been cleared, levelled and is currently vacant.

The site lies within the settlement boundary of Durham City as defined by the City of Durham Local Plan 2004 and also within the Local Centre of Newton Hall. To the north of the site lie the two storey residential dwelling houses within Bamburgh Road, to the west lie the garage blocks which are separated from the ground floor units of the Alnwick Road shopping parade. There are two storeys of residential flats above the shops, which are separated from the application site by an access road. To the east of the site lies the All Saints Church. A telecommunications mast and associated enclosure adjoins the north west corner of the proposed site.

The proposals seek planning permission for the erection of a 56 bed nursing home in the form of a three and two storey building fronting Carr House Drive. The building is arranged an 'L' shape. In addition to the proposed en-suite bedrooms the building would accommodate dayrooms, dining areas, treatment and staff rooms and other ancillary accommodation associated with the proposed use of the building. Amended plans have been received at the

request of officers reducing the width of the proposed frontage and retaining two trees to the side of the site.

Fencing and railings are proposed along the various boundaries, with planting, soft landscaping, flower beds and provision of residents' gardens to the east and south. The proposals include 18 car parking spaces and a bin storage area.

PLANNING HISTORY

01/00352/PN In 2001 Prior notification for the siting and appearance of 3 no antennas and 2 no dishes on existing 15 metre high telecommunications monopole, replacement equipment cabin and electrical meter cabinet

06/00992/FPA In October 2006 conditional planning permission was granted for the erection of 2 no. enclosed decks and aviary to first floor flat roof of existing building (retrospective application) at the Newton Hall PH.

06/01121/FPA In January 2007 conditional planning permission was granted for the formation of external decking area and fenced enclosure to public house frontage.

07/00849/FPA In September 2007 conditional planning permission was granted for the erection of enclosed timber deck with 2 no. fixed awnings to side of existing public house.

In 2009 the Public House was demolished, this did not require any form of planning permission.

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.

Planning Policy Statement 3: Housing 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 6; Planning for Town Centres. The Government's key objective for town centres is to promote their vitality and viability by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all.

Planning Policy Guidance 13 Transport the objectives of which are to integrate 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 recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

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 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:

<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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.

Policy H16 (Residential institutions and Student Halls of Residence) provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

Policy S5 (Local Centres) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not

lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities are not eroded.

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

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.

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 Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

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 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.

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 comment that the proposed vehicular access would be via the existing access to the rear of the Alnwick Road shopping centre and would be acceptable. The existing public house car park would be closed and the kerblines and footpaths required to be restored and made good. The traffic levels associated with a residential home of this size are small and

the Highway Authority is satisfied with the level of car parking proposed. No objection is raised to this planning application subject to the footpath reinstatement.

Northumbrian Water request the inclusion of a condition that 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.

INTERNAL CONSULTEE RESPONSES:

The Forward Planning Section comment that the site is within the settlement boundary of Durham City as defined in the City of Durham Local Plan 2004 and is within the Local Centre of Newton Hall and must therefore comply with Policy S5. Policies C9, T1 and Q2 are also of relevance as is National government guidance. In conclusion there is no policy objection to this proposal.

The Environmental Health Section has no objections to the proposal.

The Council's Design and Conservation Section comment that the site would substantially benefit from development to remove a potentially unsightly gap site and to mask existing elevations. Comment is made on the extent of the tree report, the massing and design of the proposed structure – particularly the roadside and gable elevations, and the cramped parking arrangement. Loss of the trees was a concern.

PUBLIC RESPONSES:

8 letters of representation have been received relating to the application. One letter raises no objection to the proposals. One raises objection and the remaining four broadly do not object to the principle of a nursing home but express various comments and concerns. The contents of these letters have been summarised below.

All Saints Church, adjacent, is a community use building and whilst not objecting in principle would wish for the following points to be taken into consideration; the proposals are large and intrusive given the site area, the frontage is three storey out of keeping with Carr House Drive (two storeys would be better). The front elevation encroaches on the church and the residents garden is too close to the church building. Issues also relate to the removal of trees and impact upon the church, the fire escape, access to the bins and their collection, access for emergency vehicles and the creation of a corridor alongside the church attracting undesirable activities. It would be better if the proposed site was smaller without additional boundary fencing. The proposed number of parking spaces is inadequate and will lead to indiscriminate parking in nearby roads. The loss of the existing car park will also give rise to similar issues.

A letter from an occupier within Bamburgh Road broadly welcomes the proposals but raises points for greater consideration. These relate to the exact location of the northern boundary of the site, security of the site and possible installation of CCTV cameras and impacts upon privacy. Comments also relate to the content of the design and access statement, amenity space provided, trees, access, boundary treatments, number of parking spaces, and the relationship with neighbouring properties.

A resident of Hylton Road states that demolition has already occurred, without planning permission and questions whether this would make the application invalid. The scale of the proposed building is out of all proportion with the previous development and is visually intrusive. The car parking spaces proposed are inadequate. The proposals are too large and should be rejected.

Further comments received relate to the fact the building is already demolished. It is suggested that a mini roundabout, with pedestrian crossing for the school be included, due to increased traffic from the new houses on the community centre site. Concerns are also raised over the parking arrangements, amount of spaces and congestion, particularly as regards the potential for over-flow of parking onto the Alnwick Road Shops car-park.

APPLICANTS STATEMENT:

The scheme has been worked up through detailed discussions with the Planning Department and other statutory consultees and provides a fitting regeneration of a vacant site that is falling into disrepair. There is an agreed precedent for the scale of development already in the area and these proposals are sensitively designed to respect those together with the amenity of the neighbouring properties and is considered to be an improvement to the area which provides employment and much needed facilities.

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 [\(link to webpage\)](#). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

The main issues in line Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the local plan and concern for the loss of the existing community facility, the relationship of the site to shops, community and social facilities, the provision of satisfactory standards of amenity and open space for residents, the impacts of the proposals upon the character or appearance of the surroundings, trees, the amenities of existing residents, impact upon traffic and highway safety and the layout and level of provision and requirements of the users within.

Loss of existing community facilities

The Newton Hall Public House had been vacant prior to its demolition earlier this year. Representations have been received during the course of this application which highlight the fact that planning permission had not been sought for this demolition. For clarification it is confirmed that planning permission was not required for these works. In line with policy C9

alternate public house facilities are available nearby to satisfy the needs of the local community and the loss of the public house would have been considered acceptable in this respect.

The relationship of the site to shops, community and social facilities

The establishment of a nursing home is considered acceptable in principle with the site being located within the settlement boundary of Durham City and also within the local centre of Newton Hall. The existing parade of shops within Alnwick Road lie to the west of the application site and provide a range of facilities in the form of numerous A1 and A2 shops and services. In addition there is also the library, neighbouring church and coop store in close proximity. The site is thus well related to shops, community and social facilities in addition to a number of bus routes, thereby according with policy H16 of the Local Plan, ideally sited to the proposed use of this site.

Amenity standards and open space

Areas of amenity space are included by the provision of an enclosed resident's garden to the east and open aspect residents garden to the south, to the front of the proposed building. In addition planted flower beds are proposed around the building with soft landscaping.

It is acknowledged that the presence of the existing garage block, mast and associated enclosure offer a poor visual reference. However, the plans have been amended and include provision of fencing, trellis and climbing planting to screen these elements and improve outlook. In addition the amended proposals have resulted in the width of the front elevation being reduced which has also helped open the resident's garden (proposed to the east). Coupled with the retention of the two trees to the front of the site and subject to condition, satisfactory standards of amenity and open space are considered to be provided within the scheme for future occupiers. Bedroom and dayrooms are well related to the proposed amenity areas. The open frontage sits well with the wide grass verges and planting characteristic of the main estate roads of Newton Hall.

Character and appearance of the surroundings and impact upon trees

Representations have been received which raise objection to the proposed size, scale and height of the development, in relation not only to the site itself but the surrounding area. The current site is considered to have a negative impact on the character of the existing area, creating an unsightly gap site with poor rear elevations on the shops and also single storey garage court. One of the benefits of the proposals is that it will mask this particularly poor elevation.

The building is three storeys in height at the front of the development facing Carr House Drive, with a drop in ridge height to the north and also the inclusion of hipped pitched gables.

It is acknowledged that the proposed development occupies much of the site however, much of this, it is considered, is dictated by the constraints of the existing buildings and residential properties, which border the site. The three storey element to the frontage is considered acceptable with visual reference to the existing three storey shops and flats to the west but also the recently constructed residential dwellings on the site of the former Community Centre close by. Amended plans have been submitted at the request of officers, resulting in the inclusion of additional second storey accommodation to allow for the reduced width of the front elevation and the retention of the two trees to the front, satisfying the requirements of Policy E14. The trees have been identified by the Council's landscape architect as of merit and

worthy of retention. It is also considered that these provide both a screen for the proposed development, a setting for the adjoining church but are also a distinctive character of Carr House Drive.

The area itself is characterised by a mix materials in the locality and it is recommended that all details are conditioned. The proposed development, subject to condition, is not considered to detract from the character or the appearance of the surroundings or from the amenities of existing residents and is appropriate in scale, form and character in line with Policies H16 and Q8.

The amenities of existing residents

In terms of residential amenity the effect of the proposals upon the residents within the two storey dwelling houses of Bamburgh Road in addition to the occupiers of the flats above the shops within Alnwick Road must be considered. The rear windows of properties within Bamburgh Road face the north elevation of the proposals, this elevation includes bedroom windows. This element of the proposal is two storey at this point and the windows facing the development are some 21 metres distant, the guideline offered to justify Policy Q8, therefore privacy is not considered to be compromised to an unreasonable level. The proposals are comparable in height to the adjacent buildings at this point and not considered to have a detrimental effect on the amenity of these permanent residents living nearby, being appropriate in scale and character as required by Policies H13, H16 and Q8 of the Local Plan.

There are two floors of residential flats located above the existing shops to the west of the proposed site. There are a number of windows facing the application site however, there is again in excess of 21 metres facing distance and the proposals are considered acceptable in this respect. The proposals are also considered acceptable in terms of the proposed impact upon the adjoining church building in this respect.

Impacts upon traffic and highways safety

The proposed vehicular accesses would be via the existing access road which runs to the rear of the Alnwick Road shops. A number of concerns have been expressed over the proposed level of car parking provision and issues relating to highways safety and parking displacement.

There is a large car park in front of the shops and also a smaller car park adjacent to the Coop store to the east, both of which are in close proximity to the application site. The proposals include the provision of 18 spaces, 5 dedicated staff spaces together with 13 spaces for visitors.

The County Highway Authority has been consulted on the proposals and considers that the traffic levels associated with a residential home of this size are small and are satisfied that the access would be suitable as would the level of car parking. They raise no objections to the proposals subject to kerblines and footpath reinstatement. The proposals are considered acceptable in terms of highway safety and vehicle parking off the highway in accord with Policies T1 and T10 of the Local Plan.

Other Issues

The agent has rechecked the boundaries at officer's request and they are considered to be accurately reflected in their position on the submitted drawings.

Concerns relating to access to bins, fire escapes, use and access to neighbouring buildings, and the potential creation of spaces for future undesirable activities have been fully considered, however, it is not considered that the scheme could be withheld on these grounds.

Any approval would be subject to a planning condition requiring full drainage details to meet the requirements of Northumbrian Water and also Policy U8A.

CONCLUSION

In conclusion, it is considered that the principle of redeveloping the site for a nursing home would be entirely consistent with national, regional and local planning policies. The proposals are considered to be ideally situated close to shops, community and social facilities, provide satisfactory standards of amenity and open space for residents, are of a scale, design and size which would sit comfortably with the character and appearance of the surroundings, retaining existing trees, whilst ensuring that the amenities of existing residents are protected. The proposals are considered to also include satisfactory levels of parking and highway safety.

Whilst the scheme has been the subject of a number of representations, it is considered that the concerns raised have been addressed in the application and incorporated and secured through appropriate planning conditions, and accordingly Officers recommend the approval of the application.

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 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. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, chimneys, ventilation, parapets, rooflights, solar panels and guttering shall be submitted at a scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
7. 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 building to which they relate.
8. 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 building to which they relate.
9. 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.
10. 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.
11. No development shall commence (nor shall any materials or machinery be brought on the site) until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by 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 or in accordance with the details agreed:
 - a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.
 - b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.
 - c) 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.

- d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local Planning Authority has been sought.
 - e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'
12. No tree shall be felled until a scheme of replacement planting has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.
13. No further subdivision of the accommodation approved, or use of rooms not demarked as one of the 56 bedrooms on the plans, for such shall be implemented without the grant of further express consent by the Local Planning Authority.
14. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
15. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed.
16. Before the occupation of the building hereby approved the kerblines and footpaths shall be properly reinstated and surfaced to the satisfaction of the Local Planning Authority, in accordance with details which have been first submitted to and agreed in writing by the Local Planning Authority.
17. Notwithstanding the information shown on the submitted plans details of any CCTV cameras, including their design, colour and location proposed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASONS FOR THE RECOMMENDATION

1. The principle of the proposed development together with the relationship of the site to

shops, community and social facilities, provision of amenity and open space for residents, the impacts upon the character and appearance of the surroundings, trees, the amenities of existing residents, impact upon traffic and highway safety are judged acceptable, having regard to Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8a 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 Policies 8 and 24 North East of England Plan - Regional Spatial Strategy to 2021.

2. In particular the development was considered acceptable having regard to consideration of issues of development principle, the impacts upon the relationship of the site to shops, community and social facilities, provision of amenity and open space for residents, the impacts upon the character and appearance of the surroundings, trees, the amenities of existing residents, impact upon traffic and highway safety and disposal of surface water.
3. Grounds of objection and concerns relating to design, scale, size, amenity issues for existing and future occupiers, parking and highway safety, boundaries and access were considered to not be sufficient to lead to reasons to refuse the application, in view of the developments accordance with relevant development plan policies, combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans and associated documents and reports.

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, PPG13

Circular 01/06: Guidance on Changes to changes to the Development Control system

Circular 11/95: Use of Conditions in Planning Permission

Responses from County Highways, Northumbrian Water Authority,

Council's Design and Conservation Section, Environmental Health Division

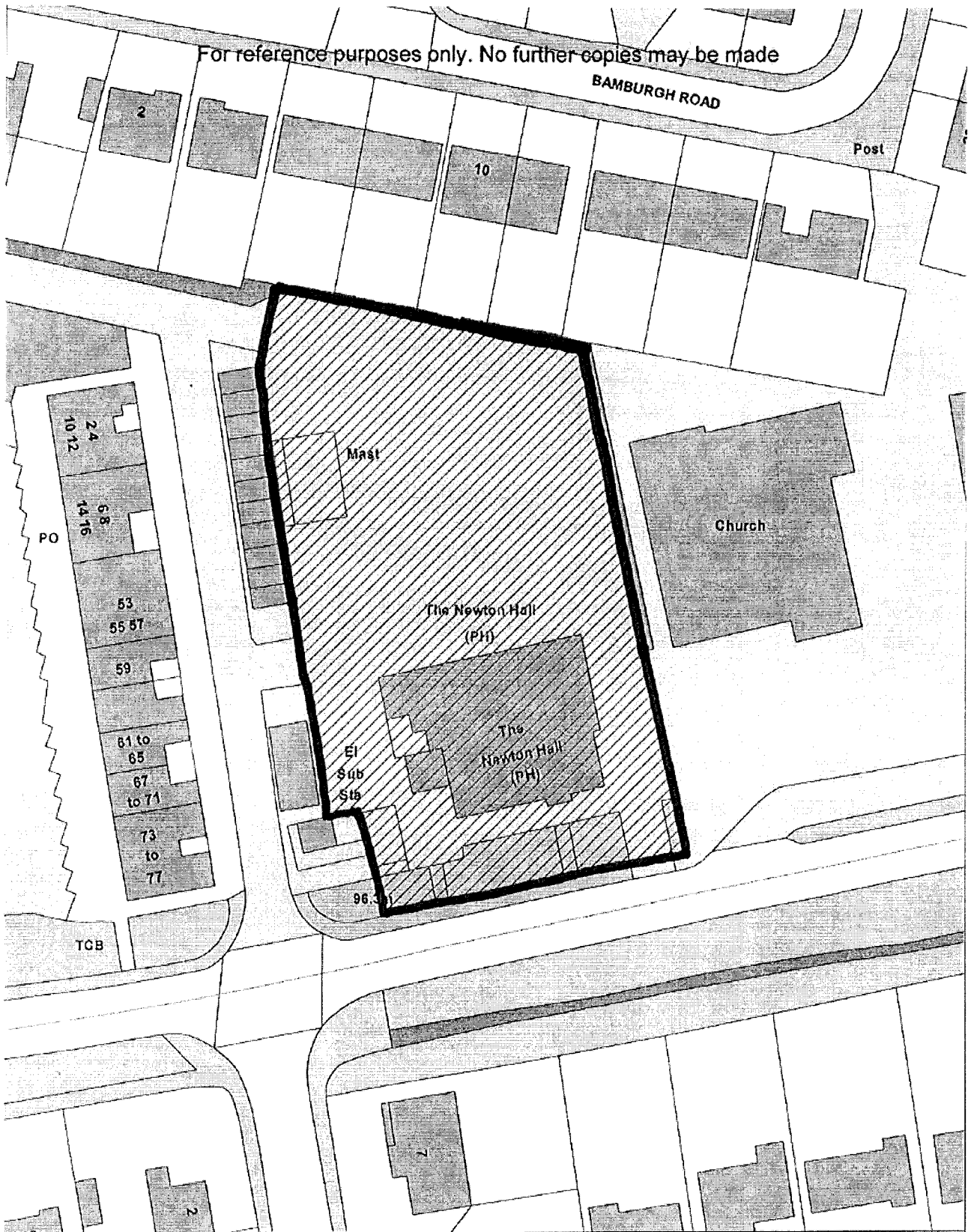
County Council Consultees

Public Consultation Responses

Various File notes and correspondence



For reference purposes only. No further copies may be made



Planning Services

4/09/00568/FPA - The Newton Hall Public House
Carr House Drive

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Comments

Date

12 October 2009

Scale

1:625

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/09/00628/FPA

FULL APPLICATION DESCRIPTION: Erection of 61 no. dwellings with associated parking and highways

NAME OF APPLICANT: Durham Villages Regeneration

ADDRESS: Land at Commercial Street Brandon, Durham

ELECTORAL DIVISION: Brandon

CASE OFFICERS: Henry Jones / Steve France
henry.jones@durham.gov.uk
Steve.france@durham.gov.uk
0191 301 8739
0191 301 8711

DESCRIPTION OF THE SITE AND PROPOSALS

The application site relates to a parcel of land roughly rectangular in shape covering an area of 1.24ha. The site comprises two, formerly separate parcels of land which, individually, had both been subject to planning approvals for residential development in recent years, the larger one for Durham Villages Regeneration, the smaller for a private developer.

The larger, eastern side of the site to the east once had terraced properties upon it and beneath part of it lay a former reservoir. However, in more recent years the land has reverted to grassed open space. The western section of the site was formerly occupied by Brandon Working Mens Club which is now demolished with the remains largely covered by hard surfacing. The higher part of the site, formerly occupied by the now cleared Working Mens Club is 'Brown-field' land.

The whole site is bordered by a footpath, with allotment gardens to the west. To the north lies an access road to the football club. The land rises across the site from east to west. The general surrounding area as existing is a mix of Victorian and local authority residential developments, with a newer estate of more modern units evident to the north of the development site. The much altered traditional terraced properties adjacent the to the site are sited on the rising slope adjacent to the proposed site access. This existing vehicular access to the rear lane of the adjacent terrace was previously agreed as the approved access to serve the approved development of 21 dwellings on the Brandon Club site. This

southern boundary of the site, adjacent the terrace, effectively forms the main frontage of the site, the land being separated from the main road by a 20m close mown grass strip.

A district sports centre, with recently developed outdoor all-weather pitches, along with extensive open space is within easy reach, along with Brandon Cricket Club, the aforementioned Football Club, and the formal cycle network, with its links to Bishop Auckland, Lanchester and across the City. There is a chemist and convenience store nearby the site, and two small supermarkets within 20 minutes walk or a short drive along with infant and junior schools. Regular buses pass the site.

The application proposes a residential development of 61 no. dwellinghouses with a mix of two and three bedroom properties and a mixture of social rented and market housing. Access to the site is via an existing access to the south which was formerly the route to the Brandon Club. The access road then separates into two within the site finishing with two turning heads in the north-eastern and north-western sections of the site. The properties running along the western fringe of the site are bungalows with a mix of 2 storey and 2 ½ storey properties elsewhere. The layout is formed of streets at right angles that fall with the slope, the site finishing with a tall retaining wall along the east boundary.

PLANNING HISTORY

The application site is essentially an amalgamation of two sites both of which currently have planning permission for residential development.

The current applicant was granted planning permission in September 2007 for the erection of 42 no. dwelling-houses and associated works with some substitution of house types approved in April 2008.

The western area of the site comprising of the former Brandon Club gained planning permission in December 2007 for the erection of 21 no. dwelling-houses and associated works.

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 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 Guidance Note 13: Transport has the objectives of integrating 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 recognise that provision for movement by walking, cycling

and public transport are important but may be less achievable in some rural areas. Planning Policy Guidance Note 14 Development on Unstable Land explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised. Methods of doing this through development plans and development control are outlined. The role of expert advice is highlighted and various causes of instability are explained and sources of information are given. Separately published Annexes on Landslides and planning and Subsidence and planning develop this advice with specific reference to those areas and include background information and good practice guidance on identification and assessment of these problems and how they are can be dealt within the planning system.

The above represents a summary of those national policies considered most relevant the full text of each may be accessed at

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 38 (Sustainable Construction) seeks to ensure that the layout and design of new buildings and developments minimise energy consumption.

The above represents a summary of the Regional Spatial Strategy, the full text may be accessed at
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from the functional, visual and environmental attributes they possess.

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

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.

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy R3 (Protection of Outdoor Recreation Facilities) seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

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 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 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 and / or have a significant effect on the amenity of occupiers of neighbouring property.

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 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 U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The County Highway Authority has commented on the application and has stated that the access road from Commercial Street will need to be slightly realigned and the footpath provision upgraded. The internal layout is considered to be satisfactory and overall no objections have been raised.

The Coal Authority have commented on the application and no objection to the scheme is raised although attention is drawn to the fact that the site has previously been subject to past coal mining activities and as a consequence there may be instability, gas, drainage and safety issues and all these matters must be taken into consideration.

The Environment Agency raises no objection to the scheme subject to a condition that the existing surface water disposal system be improved

Northumbrian Water has responded to the consultation exercise with a similar request to the Environment Agency.

INTERNAL CONSULTEE RESPONSES:

The Forward Planning Section note the site is a departure from adopted Policy as a 'Greenfield' site over 0.33ha. in size, and that 'clear and quantifiable regeneration benefits' would be required to justify development – however they consider the proposals 'reasonably

sustainable'.

PUBLIC RESPONSES:

The Parish Council have no objection to the application, but comment on the need to restore a footpath near the former Working Mens Club, and ask if s.106 monies are available for their use.

The Council carried out a public consultation exercise consisting Site Notices, advertisement in the local press, and individual letters to 94 local properties surrounding the site. There has been no objection or public representation to the proposals.

APPLICANTS STATEMENT:

The applicants have submitted a statement regarding the Durham Villages Regeneration Company (DVRC) intention to fund community activity within Durham City in lieu of the provision of affordable housing on the Commercial Street site.

The DVRC has been a partnership between the Council, national regeneration specialists and Keepmoat Homes, with the Council providing land assets for Keepmoat and its Registered Social Landlord Partners to provide affordable homes for sale, rent and shared ownership. With £5m already spent on initiatives such as the Annand House community facility in Meadowfield, a bus turning facility for schools in Bowburn.

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=09/00628/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

Through two separate consents in 2007, the approval of development on the two pieces of land that now comprise the current site, the principal of residential development was accepted. At that time the approval of the larger site represented a departure from adopted Policy as a 'green-field' site, to a degree that required the decision be ratified by the Government Office North-East. That Department noted they had considered the then proposals against the requirements of Government advice set out in PPS1, PPS3, PPS7 and PPS17 (as above), and determined not to call in the application, the formal decision then reverting to the Local Authority. The regulations on 'departures' have now changed to the extent that the current larger scheme does not require ratification of the decision. The Government Office's recent assessment of the earlier, comparable scheme is however considered relevant.

There has been no objection from the local community despite an extensive consultation exercise, and it is therefore reasonable to assume that neighbours and local residents are comfortable with the proposals. The upgrade to the site entrance will benefit the existing users of the rear lane, and the scheme has been designed to ensure that there are no unacceptable relationships to existing residential property.

Whilst the principal of development of the land has been accepted, and appears uncontentionous in the community, with the decision on each application based on its own merits, the Policy implications of the development must still be assessed, in addition to the specific detailed implications and relationships in the proposals.

The development of the 'brown-field' land on the former Working Mens Club site accords with the basic tenets of Policy H3 of the Local Plan and PPS3, where it attempts to direct new housing development to previously developed land. This Policy allows for the development of 'green-field' land up to a certain size where there are regeneration benefits. Whilst Brandon is identified as one of the former coal-field settlements in need of regeneration where such development may be justified. The justification for the development of the Green-field land effectively lies with the aims of the DVRC, and the provision of an established approach to affordable housing provision in line with the aspirations of Policy H12. The affordable Housing Partners in this instance are the ISOS Housing Group, including Durham Aged Mineworkers Homes Association. The application proposes that of the 61 no. dwellings proposed, 14no are Social Rented Housing, these being 10no. two-bed, and 4 no. three bed roomed dwellings.

The main aims of DVRC in so far as they relate to housing are to create economic regeneration through the provision of affordable housing for sale and to provide sustainable, safe and well balanced environments where community spirit will raise people's aspirations. Officers note the innovative nature of the DVRC project, and benefits to local communities have been widely recognised; the 'Annual Audit and Inspection Letter' issued by the Audit Commission (Feb. 2009) commends this 'highly effective Public Private Partnership (in) delivering affordable housing and low cost home ownership within the area'. Specifically, 'working in partnership with the Durham Villages Regeneration Company the Council adopted an ambitious plan to realise the potential of its land assets. This partnership has delivered significant community benefits in terms of affordable housing, enhanced access and better community facilities'

The larger part of the site has had an informal recreational use, being maintained as close-mown grass-land. Policy E5a seeks to protect open spaces within the defined settlement boundaries that 'possess important functional, visual or environmental attributes which contribute to the settlement's character, or the small-scale character of an area'. In part due to being an area with a high proportion of local-authority built properties, Brandon benefits from having a strong hierarchy of Public Open Space, evident from the generous verges, grassed street-corners and formal open spaces within the housing estates, to the formal and informal large open recreational areas, both public and private within the immediate area. Whilst the open land has a degree of intrinsic value as maintained open space, it would be difficult to argue it has the required *important* functional, visual or environmental attributes that would prevent development. This argument can be developed further to justify the lack of open space within the development scheme itself. With access to an extensive range of types and uses of open-space in the immediate vicinity of the site, Officers consider the usual requirements of Policy R2, where residential developments of 10 units or more require provision of open space within the scheme, or monies in lieu of such to be satisfactorily mitigated here. Whilst provision of open-space within the scheme would have been preferred, a higher density of development allows the potential for greater funding to the community projects supported through the DVRC, and potential residents have immediate access to the surrounding open space and recreational opportunities.

The proposals must also be assessed in detail against the Policies designed to protect residential privacy and amenity, and those seeking to ensure a good quality of design. There are references to the need to ensure residential amenity in general terms in Policies H3 and H13, the detail required of such being set out in Policy Q8 and its supporting justification. The distances suggested as appropriate to maintain privacy and amenity are all met or exceeded in relation to existing adjacent residential development. The majority of the scheme and its internal layout and relationships likewise meet the guidelines. There are

some instances where the layout of properties do not quite meet the guidelines, in particular along the northern boundary of the site, with spacing between elevations with living room windows and gable ends closer than ideal. Officers have worked with the developer during the course of the application, and a revised scheme has moved plots and garages and improved these deficiencies to a degree considered acceptable. With all the distances involved between new dwellings, prospective residents will be able to make a reasoned judgment as to whether the relationships meet their own needs. Each of the dwellings proposed includes private garden area, and each has its own allocated car parking spaces, with around half having a garage. The housing layout shown as revision B is considered to meet the required levels of privacy and amenity set out in Policies Q8, H3 and H13 of the Local Plan to an acceptable degree.

The development must also be proved to be appropriate in terms of its scale, character and design, and thereby properly integrate into the existing urban form. Government advice in PPS1, and a raft of Government sponsored initiatives has sought to embed the necessity of good design into the development process. Estates being designed around the requirements of the vehicular highways layout is no longer acceptable. Again Officers have sought improvements to the proposed layout during the course of the application, and the uninterrupted expanse of hard-standing apparent on the original layout has been resolved to a degree by the inclusion of 'shared surfacing' at the head of one of the cul-de-sacs, the introduction of some additional small areas of soft landscaping to soften the layout, and agreement that a range of surface finishes can be agreed through conditions.

Revisions have also been proposed to Units 1-10, these being the dwellings that effectively form the site frontage, and have the main impact on the surrounding environment. These dwellings have been re-ordered so that the roof-lines follow the line of the slope, in a similar manner to that of both the adjacent terrace, and the local authority-built properties that also front the main road. It is further proposed to restrict the palette of materials on the front elevation, so that units 1-8 have a consistent character as would have been the traditional approach, rather than a random variation of materials.

It is considered that these alterations to the principal site elevation help assimilate the frontage of the development into the existing residential environment, giving the scheme the required scale and character, and complying with Policy Q8.

Because of the site levels involved there is the necessity for a large retaining structure along the eastern boundary of the site. This has been separated from the vehicular highway with a 2m grass verge, and revised as a wall with a fence above rather than a full height wall to visually reduce its height.

The Highway Authority raise no objection to the scheme, noting it comprises two sites they have previously approved. They require the realignment of the entrance road and alterations to the footpaths leading to the site, but these requirements can be addressed through the highway 'adoption' process. A development of this size in this location would usually require a formal agreement to provide a contribution towards the improvement of the A167/B6300 junction at Sunderland Bridge, to relieve pressure on the A690 and Nevilles Cross. However, given the existant approvals on the site it is accepted that this cannot be reasonably imposed in this instance. The proposals as far as they relate to the pedestrian and vehicular highway and parking arrangements are considered to meet the requirements of Policies T1, T10 and Q3.

A local Councillor has queried the potential effect of the developer on a footpath in the

vicinity of the site. With no footpaths obvious on site, and no claims for rights across the site apparent from informal consultation with Footpaths Officers, this is assumed to relate to the path between the site and the existing allotment gardens that runs to the west of the site. The development should not affect this track, but the developers have confirmed that any damage to it during construction works will be fully rectified.

Policy U11 of the Local Plan requires the decision of the Council to be based on a sound knowledge of the nature and extent of contamination issues on the site, and for proper measures to be put into place to remediate and mitigate such. The Council have consulted specialist Environmental Consultants to assess the supporting documentation submitted with the application outlining the extent and impact of these issues. The consultants note that there have been 'significant changes to the contaminated land regime' since the production of the site report, and a re-appraisal in accordance with current guidance and assessment criteria is needed to ensure all the risks associated with the site can be fully determined. They suggest conditions to require; a phase 1 desk study and site investigation, re-appraisal of the site investigation data in accordance with current guidelines, a remediation strategy, a verification report, and measures to deal with any unforeseen contamination at the site. Officers consider the imposition of such conditions expedient in addressing the requirements of Policy U11.

The Environmental Consultants have forwarded their previous advice with their updated assessment of the site, within which reference is made to the potential presence of Japanese Knotweed on the site. This plant is a serious problem, and has the potential for major cost implications for developers. The Environment Agency have published a Code of Practice for managing knotweed on development sites, that sets out the responsibilities of controlling such through the legislative framework, including the Wildlife and Countryside Act 1980, the Environmental Protection Act 1990, the Controlled Waste Regulations 1991 and the Hazardous Waste Regulations 1995. This issue has been addressed by the developers who have provided a Validation Certificate to indicate the problem has been properly addressed.

Whilst the site is mainly open there are a number of trees that have grown on the site on the boundary line between the two previously separate pieces of land. A report from a respected Arborist firm accompanies the application, and details the proposed implications. The trees on site are not protected by Preservation Orders, and do not have sufficient visual or intrinsic value to justify such. Only those trees located at the site entrance are proposed retained, with root protection zones suggested for these. A condition is proposed to this end. There is some basic planting proposed within the new layout, and again this would be subject to a condition, meeting the requirements of Policy Q5. The tree survey noted the lack of any indication of protected species, such as bats.

Policy 38 of the Regional Spatial Strategy seeks to ensure that the layout and design of new buildings and developments minimise energy consumption. To this end, the applicants have in their supporting statement outlined their approach to energy conservation on the site, and how they will address the requirements of the policy. Achieving a figure of 10% embedded renewable energy is very difficult and in Officers experience this has yet to be fully embedded within any scheme considered in the area. The financial implications of such a requirement would undoubtedly be passed onto the purchasers, ultimately undermining the very ethos of the DVRC and its aim of regenerating former coalfield communities through new low-cost housing. The scheme does however incorporate a number of energy conservation measures incorporating the energy efficient elements of Eco Homes and the affordable homes would be built to the level 3 code for sustainable homes "very good"

standards. This includes low emission ratings for the dwellings and their heating equipment, energy efficient lighting internally and externally and home office spaces to encourage people to work from home and reduce the need to travel. Such measures are considered appropriate in the circumstances and will assist in meeting regional planning policy requirements.

In order to ensure that the affordable homes are provided in accordance with the approved scheme it will be necessary to enter into a section 106 agreement with the applicants to include details of the timing of construction of the affordable homes, arrangements that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria for identifying prospective and successive occupiers of the affordable housing and the means by which such occupancy is enforced.

CONCLUSION

The application proposes a significant housing development of 61 no. units with 14 no. of these proposed as 'affordable' homes to be tied to a Registered Social Landlord. This affordable element and the nature of the DVRC schemes justifies the development of the Green-field element of the site, and the lack of internal amenity space. This approach has been endorsed through the departure procedure on this site in the immediate past. The design approach to the site, both in terms of residential amenity and scale and character are considered by Officers to justify an approval, subject to the usual raft of conditions designed to ensure detailed quality of design, both to the dwellings themselves, and the hard and soft environments around them. Given the high density nature of the site it is considered appropriate to remove permitted development rights, to ensure that the Council has proper control over additional development on site that could further impact on resident's amenity or the character of the development. Further conditions are proposed for specialist area of the development, including contaminated land remediation.

Officers consider that the development meets the requirements of the hierarchy of planning Policy, legislation, and advice relevant to the site, and recommend it approved.

RECOMMENDATION

That the application be **APPROVED** subject to the applicants entering into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the affordable homes are provided in accordance with the approved scheme and are retained as such for initial and subsequent occupiers and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
3. 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.
4. 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.

5. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwelling-house(s) shall be submitted to and approved by the Local Planning Authority.

7. 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 fences, gates, walls or other means of enclosure shall be erected within or on the boundary of the curtilage of any dwelling, other than those approved with the scheme, without the prior written approval of the Local Planning Authority upon an application submitted to it.

8. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 9 to 12 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 12 has been complied with in relation to that contamination.

9. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

10. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

11. Unless otherwise agreed in writing by the Local Planning Authority the approved remediation scheme shall be carried out prior to the commencement of development. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

13. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

14. Development hereby permitted shall not be commenced as a material building operation until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the Local Planning Authority. The works must be fully implemented and subsequently maintained in accordance with the timing / phasing details set out in the agreed written scheme, or within such other period as may be agreed in writing by the Local Planning Authority.

15. 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.

16. No development shall commence (nor shall any materials or machinery be brought on the site) until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by 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 or in accordance with the details agreed:

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.

c) 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.

d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local Planning Authority has been sought.

e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'

REASONS FOR THE RECOMMENDATION

1. The two proposals have been considered against Policies E14, E5a, H3, H12, H13, R2, R3, Q3, Q5, Q8, T1, T10, T21, U8a and U11 of the Council as Local Planning Authority, and are found acceptable in principle, with time limit issues able to be addressed by imposition of an appropriate condition.

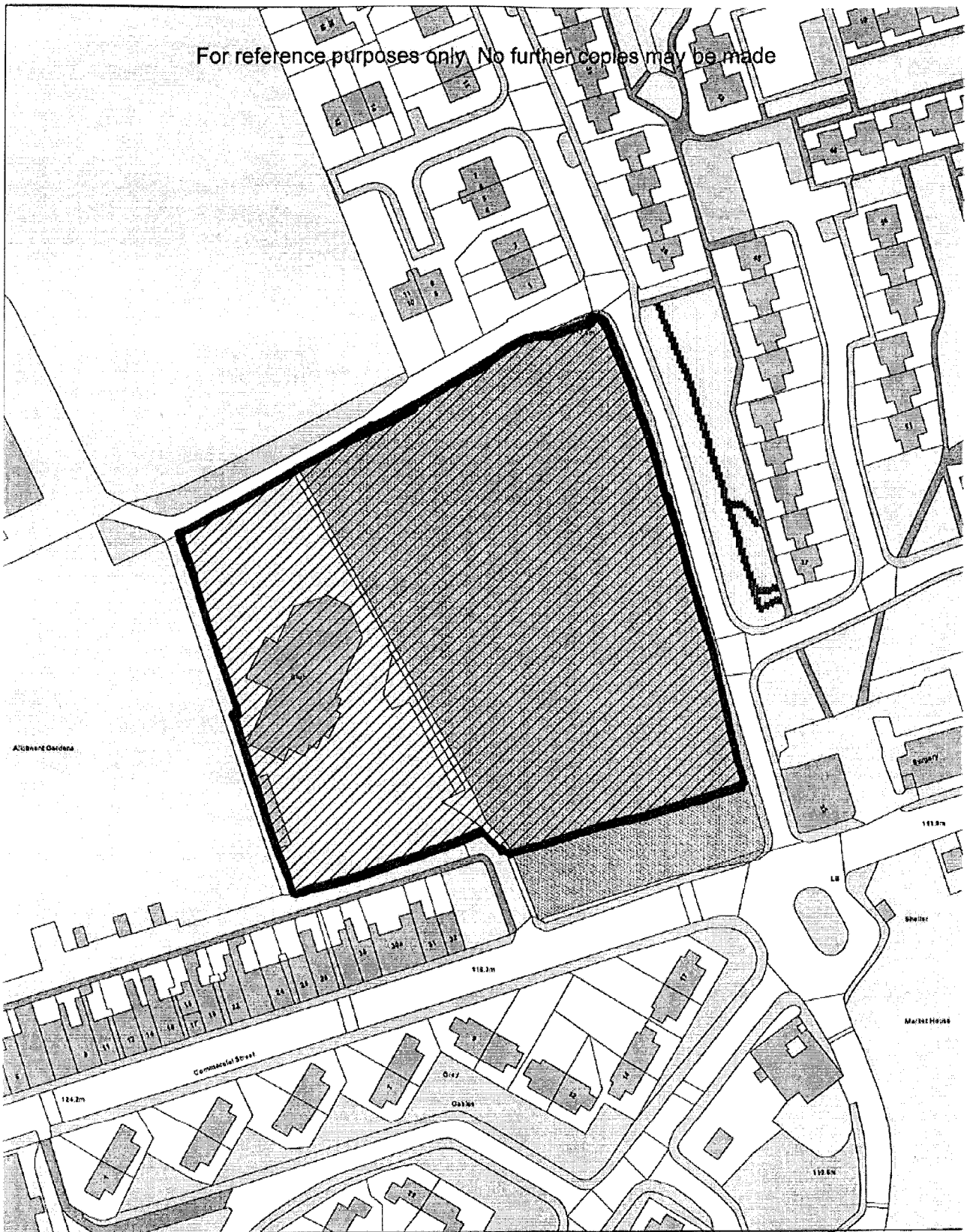
This recommendation has been made having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, specifically including Policies 8, 24 and 38 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. In particular the development was considered acceptable having regard to consideration of issues of; development of Green-fields land, development of open space, provision of affordable housing, issues of scale and character along with aspects of residential privacy and amenity.

BACKGROUND PAPERS

Submitted plans and forms
Amended forms
DVRC Statement
Design and Access Statement
Report on Site Investigation, Ian Farmer Associates (contaminated land)
Updated Arboricultural Implication Assessment, All About Trees
Haslam Homes Ltd. Ground Investigation Mining Assessment, April 2008
Queensbury Design Flood-risk Assessment, 6 August 2009
City of Durham Local Plan 2004
The North-East of England Regional Spatial Strategy to 2021
Planning Policy Guidance Notes 13 and 14
Planning Policy Statements 1 and 3
Consultation Responses;
ENTEC (contamination)
Durham County Highway Department
Northumbrian Water
The Environment Agency
The Coal Authority
Brandon and Byshottles Parish Council
Various correspondence and file note
e-mails and internal memoranda
Response of the Government Office North-East to application 4/07/00421/FPA

For reference purposes only. No further copies may be made



Planning Services

4/09/00628/FPA - Land At Commercial Street, Brandon, Durham

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Comments		
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