



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

1 June 2010

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/10/094/FPA Local Shopping Reit PLC	Peters Cathedral Bakers Ltd 15 Cheveley Park Shopping Centre Belmont Durham DH1 2AA	Erection of extension to side of existing retail unit and erection of replacement access stairway at rear	APPROVE Page No. 1 - 10
4/10/170/FPA Dunelm Development Ltd	Former Sports Ground South East of Durham City Football Ground Belmont Ind Estate Belmont Durham	Application seeking new planning permission to replace extant permission 07/00451 (Office development to include electricity substation, associated retail unit, car parking and landscaping) in order to extend time period for implementation	APPROVE Page No. 11 - 19

<p>4/10/223/FPA Crosby Homes Yorkshire Ltd</p>	<p>Sheraton House Off Darlington Road Nevilles Cross Durham DH1 3SS</p>	<p>Application seeking new planning permission to replace extant permission 07/00053 (conversion of Sheraton House to form 25 apartments, and construction of apartment building to rear of Sheraton House to form 22 apartments and associated infrastructure work, car parking, and landscaping) in order to extend time period for implementation</p>	<p>APPROVE Page No. 20 - 28</p>
<p>PLAN/2008/0685 Yuill Homes</p>	<p>Former Crossways Hotel, Dunelm Road, Thornley DH6 3HT</p>	<p>26 No. Dwellings and Associated Landscaping</p>	<p>APPROVE Page No. 29 - 43</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/10/00094/FPA
FULL APPLICATION DESCRIPTION:	Erection of extension to side of existing retail unit and erection of replacement access stairway at rear
NAME OF APPLICANT:	Local Shopping Reit PLC
ADDRESS:	Peters Cathedral Bakers Ltd 15 Cheveley Park Shopping Centre Belmont Durham DH1 2AA
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Mr S France, Senior Planning Officer steve.france@durham.gov.uk - 0191 301 8711

DESCRIPTION OF THE SITE AND PROPOSALS

1. Cheveley Park Shopping Centre is a small retail development serving the Belmont/Carrville area of Durham City. Of 1960s appearance, the facility consists of two, two storey flat roofed blocks with living accommodation above a covered retail arcade. A car parking and landscaping scheme has recently been completed giving direct access to the front of the shops. A new residential development of townhouses and flats has been implemented to the rear of the southern parade of shops, which includes the application site.
2. The application proposes alteration to the shorter element of the existing arcade, with a large extension on the side of an existing retail unit. This involves demolishing a ramped access to the living accommodation, replaced by a stairway to access the existing upper floor flats on adjacent units. The extended retail unit will fill the essentially open space that this ramp currently occupies. In order to visually assimilate this single storey unit into a two storey development, the proposal includes a tall render fascia. The proposed extension projects forward of the existing shop fascias, level with the front of the covered arcade, with feature columns between the windows seeking to replicate those which support the existing arcade. It would provide an additional area of net retail floorspace of 280 square metres within a building a building measuring 21 meters long, 20.5 metres wide and 5 metres high.

3. The application is presented to Committee on the basis of strong concerns from the Parish Council.

PLANNING HISTORY

4. In 2006 planning permission was granted for a 194 m² shop in either A1 (shop) use, or D1 (restricted to use as a dental practice). Belmont Parish Council objected to this application on the basis of the number of empty units, and its siting.

5. In 2008, an application proposed a two storey extension to the shorter element of the existing arcade, providing an extra shop unit at ground floor, and four new apartments above. This involved demolishing the existing ramped access to the living accommodation and was refused by Committee, contrary to officers recommendation. This decision was appealed and allowed, but not implemented. That consent expires in December 2011.

PLANNING POLICY

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth. This document sets out advice for determining planning applications affecting shops and services in, as is the case here, local centres. Four criteria set out to; protect inappropriate changes of use of shops, refuse applications that fail to protect existing facilities providing for people's day to day needs, respond positively to planning applications for conversion or extension designed to improve viability and respond positively to shops that meet local demand in rural areas.

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

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>

7. 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 following policies are considered relevant:

Policy 1 (North-east Renaissance) seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.

Policy 4 (The Sequential Approach to Development) seeks a prioritized approach to development of sites based on previously developed land, protection of nature and heritage sites, and relation to existing homes, jobs, services and modes of transport.

Policy 6 (Locational Strategy) seeks to maintain sustainable market towns, service centres and villages whilst preserving their historic fabric and character.

Policy 7 (Connectivity and Accessibility) seeks to reduce the impact of travel demand by promoting public transport, travel plans, cycling and walking, and making the best use of existing resources and infrastructure.

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 utilize previously developed land wherever possible.

Policy 25 (Urban and Rural Centres) identifies key locations for the development of new leisure and retail facilities in the Region. New development should be consistent with the scale of the centre to ensure enhanced vitality and viability.

Policy 54 (Parking and Travel Plans) promotes the minimisation of parking provision and travel plans for non-residential developments in order to encourage sustainable modes of transport.

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>

8. LOCAL PLAN POLICY:

Policy S1 seeks to protect and promote the vitality and viability of the local centres within the local retail hierarchy of the City of Durham Area, including Belmont.

Policy S5 allows for the development of commercial properties within appropriate use classes, where the development would not affect the viability of other retail centres, it would not lead to the loss of community facilities, and they meet the required quality policies set out in the local plan.

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policies T1 and T10 of the relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would

generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles and so on.

Policy Q5 requires new development to incorporate a high standard of landscaping.

Policy Q7 seeks to ensure that industrial and business development takes into account issues of siting, design and external appearance.

Policy Q8 relates to new residential development.

Policy U8 sets out he requirements for accommodation of foul and surface drainage within development schemes is outlined in

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/index.htm>

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

The County Highway Authority note that the submission, in highway terms, is basically a resubmission of that previously granted on appeal, and is satisfied that parking for the shops and flats will be sufficient, with a proposed kerb improvement benefiting vehicular movements.

10. INTERNAL CONSULTEE RESPONSES:

None

11. PUBLIC CONSULTATIONS:

The Parish Council wish to highlight the following comments raised at their meeting.

- The size of the proposed unit is considered likely to escalate parking problems, with members concerned at the close proximity of the children's play area.
- The size of the unit may have an adverse effect on existing local traders.
- The bin-storage area is not overlooked, and susceptible to potential arson.
- The new stairwell access to the flats is likewise screened and likely to attract anti-social behaviour.

12. Councillors Holroyd and Mavin the two Ward Members have commented on the proposals, noting vehicular movement and parking problems in the parking court, the shops access roads and surrounding streets. They consider the basis upon which Highways comments have been offered are flawed, and the potential for pedestrian accidents significantly increased. The proximity to the children's playground is brought to attention, as

is the relationship to the busy school gate. Noting a number of vacancies in the area of the shops, and Carrville High Street, the addition of another retail unit is considered likely to prejudice the continued operation of smaller specialist retail uses in serving the public. The newly enlarged unit is out of scale, and out of character with the small owner managed businesses currently operating from the local centre. It is suggested that the application is refused on grounds similar to those used to refuse previous applications – namely S1a – protecting the retail hierarchy and viability of local centres, and S5 – Uses within Local Centres. The proposals are considered further contrary to Policies Q5 and Q8 in scale and form. Disabled access to the existing flats is raised. It is contended that a large retail unit would kill the community heart the shops currently provide.

13. Objections from the existing food-store note that with a larger store proposed than in previous applications, the effects will be greater. The Centre as existing is considered a poor trading environment, with long term unit vacancies despite refurbishment by the landlords. Approving another unit against this backdrop will undermine Council regeneration Policies. The supporting statement submitted by the applicants is criticised in detail and emphasis, with adjacent housing not fully occupied and therefore not justifying demand. Restricted access to the flats for disabled and young families reduces their attractiveness, and encourages anti-social behaviour. The pedestrian access alongside the building is compromised. Access to the rear service yard for service vehicles is already problematical, and will be exacerbated. It is contended that the vitality, viability and retail function of the shopping centre would be harmed, along with the whole village, with the new unit threatening all small businesses in the centre and surrounding villages.

14. The National Agents for the food-store have also made representation, acknowledging the previous appeal decision, but believing there are cogent reasons for refusal and that previous valid reasons for refusal were not considered by the Inspector.

The Inspector gave weight to the applicant's 'fall-back' position of an existant consent that could still, at that time, be implemented. Given that consent has now lapsed, it is not now a material planning argument. The Inspector gave support to the presence of planting in the previous layout – the larger store proposed here preventing inclusion of such. In discussing the applicant's Design & Access Statement the existing vacancies and poor physical and trading environment are explored, with an additional unit unlikely to be occupied, except at the expense of existing units, which will reduce the amenity of the area and undermine the Council's wider regeneration Policies. The replacement of the ramp by the stairs was neglected by the Inspector, and does not comply with national design advice. The objector considers the Police should have been consulted and that the design of the stairs will have a negative effect on the potential occupation of the existing flats.

15. Two local residents have also written, reiterating the above points. One notes the lack of treatment of the car-park during the winter, with problems of car parking likely to be made worse by the proposals. The other resident criticises the lack of publicity, and description of proposals.

16. APPLICANTS STATEMENT:

The applicant's agents have responded to issues raised in the public consultation responses, and in particular to those raised in the letter from the food-store's National Agents. The 'fall-back' position is still considered viable and a realistic prospect, with its

residential element. They point out and area of landscaping is still proposed. The size of the development has increased, but is still within the Council's planning policy framework thresholds. The existing units have been refurbished and are ready for immediate letting. With three of the eighteen units in A5 take-away use, the use-class is not seen as overly dominant. Ongoing investment should boost the shopping centre, the general public and other retailers alike. The staircases are contended visible from the new properties to the rear, and are British Standard compliant (Code of Practice – Design of Buildings and their approaches to meet the needs of disabled people), with wider treads, clear identification of steps, and non-slip nosings, with the undercroft area enclosed. Again, the flats have been refurbished, with only one of the fifteen unoccupied, and they provide a valuable source of affordable housing to the local area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00094/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

17. The main issues to consider in assessing this application are the principle of the retail use, the impact on the vitality and viability of the local centre, parking and highway safety, and visual amenity.

Principal of development

18. This is an application for a retail unit in a designated local centre. The most relevant policy from the City of Durham Local Plan, 2004 is S5. This sets out three criteria within which shops, service uses and food and drink outlets will be permitted, and at (d) identifies Belmont as a local centre. The three criteria are: the proposal will not affect the vitality and viability of another local centre, it will not lead to the loss of community or recreational facilities, and in the case of service and food and drink uses, it will not undermine the retail character of the centre. Complimentary policies designed to protect residential amenity (H13), ensure vehicular safety and adequate parking arrangements (T1 and T10) and landscaping provision (Q5) are also relevant to the proposal.

It is noted in the section of the report relating to consultation responses, reference has been made to Policy Q8, which relates to new residential development, and is not relevant here.

19. In principal, the application proposes development of an enlarged retail unit, in a local centre, specifically designated for such, on a site which, has an extant planning permission allowed by the Inspector in December 2008 and valid until December 2011. There is no suggestion that the proposed unit will affect another local centre, and there is no loss of community or recreational facilities proposed. With the proposals a purely retail use, the application is in principal in full accord with Policy S5.

Impact on Vitality and Viability of the Local Centre

20. A contention with existing occupants of the shopping centre is that a unit of this size, and the likely occupants this will attract, will undermine the viability of existing units. There is no doubt that the shopping arcade at Cheveley Park, and indeed the nearby shops on Carrville High Street are a valued community resource, with small local businesses and franchise holders providing a local retail facility in the shadow of nearby retail parks and

supermarkets where national chains ply their trade. It is however, not the function of the planning system to influence retail competition. Government has recently issued national guidance in Planning Policy Statement 4 which includes advice for Local Planning Authorities determining planning applications affecting shops and services in local centres and villages. Four criteria set out to; protect inappropriate changes of use of shops, refuse applications that fail to protect existing facilities providing for people's day to day needs, respond positively to planning applications for conversion or extension designed to improve viability and respond positively to shops that meet local demand in rural areas. The proposal is not contrary to these aspirations.

Additionally the justification for policy S5 of the Local Plan suggests that as a general rule shops of up to 1,000 square meters or a medium sized supermarket will be appropriate with local centers. The floorspace of the proposed development is 280 square meters.

Visual Amenity

21. The application differs from the previous approval, and extant permission in having a larger retail floor area, and no residential accommodation on the first floor. To ensure that the proposed unit is of a visual scale appropriate to the adjacent flat roofed two storey units, a large fascia has been included in the design, which subject to the use of appropriate materials and finishes that may be controlled by condition, is considered acceptable by Officers.

The applicant has included an area of landscaping on the gable end of the building, compliant with Policy Q5 and also includes the improved kerb radius that the Inspector of the appeal on the previous application suggested should be a condition of that approval. This feature, and the affirmative response of County Highway Authority to the scheme leaves little scope for the proposal to be refused on highways grounds

Parking and highway safety

22. Reference is made to the former car park to the rear of the application site which was developed for housing. Whilst that land had traditionally been used for parking for the shops, and by parents delivering children to the local schools, the land was private and poorly surfaced and maintained. A new car-park has been integrated into the landscaping, and provides a direct and convenient access to the shops. The accessibility and number of car parking spaces this provides is considered appropriate to the scale of development by the Highway Authority. To single out this car park as being difficult to park in this last winter is unreasonable. The degree of additional traffic that will result from the development is also unlikely to affect the safety of the adjacent play area, since servicing of the unit is unlikely to take place during periods of peak usage of the play areas. Those recreational areas will be most likely regularly accessed from the residential estate rather than the retail parade

Other Matters

23. There appears to be a divergence of opinion between the applicants as the Centre's management and local businesses and their agents on the upkeep of the parade and occupancy rates. The proposal represents an investment in the centre, and follows a recent external refurbishment. The applicants supporting statements claim internal refurbishment of

both retail and residential units. There is no evidence, as objectors contend, that approval of the application will undermine the Council's 'wider regeneration policies'

The majority of objector's points are on matters of detail. With the Inspector allowing the 2008 application, the applicants still have an implementable 'fall-back' position. The stairway has been constructed to appropriate standards for disabled access. Disabled access does not imply wheelchair access only, and it is noted that the ramp as existing does not comply with disabled access criteria for such. The applicant's agents have likewise indicated that issues of anti-social behaviour in the stairwell area have been taken into account.

One objector has researched the applicants, and complains there is no detail of them, and queries the consultation exercise. Twenty-nine consultation letters were sent out, and a site notice posted. .

CONCLUSION

1. The application is considered by Officers to comply both with adopted local Policy, and to be in accord with the up to date guidance of Government for dealing with such applications. The fears of existing small business are acknowledged, but of limited weight in the decision.

The planning permission allowed by the Inspector in 2008 is relevant in accepting a retail unit on the site, confirming that the principal of retail development at the shopping centre is acceptable. In discussing this application members should give considerable weight to this recent Inspectorate decision, and be aware that any refusal on these grounds could be seen as 'unreasonable' on appeal.

The application proposes both landscaping and a highways improvement, and is accepted as having taken into account access and anti-social behaviour issues to an acceptable degree.

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, fascias, columns, stairs 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. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference No. 80921/G2/GA-101A, 81021/G2/EL-02A, 81021/G2/GA-104, 81021/G2.

REASONS FOR THE DECISION

1. The proposed development provides a well-designed and sustainable residential scheme in an established and identified local centre, and where the vitality and viability of retailing elsewhere will not be significantly affected, and neither will highway safety or the amenity of surrounding residents and as such the scheme is considered to accord with Policies S1,S5, H13, T1, T10, Q1,Q2,Q5 and Q7 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 1,4,6, 7, 24 and 54 of the North East of England Plan - Regional Spatial Strategy to 2021.

2. In particular the development was considered acceptable having regard to the impact of the development on the vitality and viability of a nearby local centre, the site's accessibility and sustainability, the level of parking proposed and the impacts upon surrounding residents both physically and in terms of associated vehicular and pedestrian movements as a result of the use proposed.

3. Grounds of objection relating to the character of the proposals, their impact upon highway safety generally, the intended uses of the premises, and the lack of demand for such premises are considered to not be determining in this case, whilst planning conditions would ensure that such harm does not arise where it is considered appropriate.

BACKGROUND PAPERS

Submitted Application Forms and Plans.

Design and Access Statement

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

City of Durham Local Plan 2004

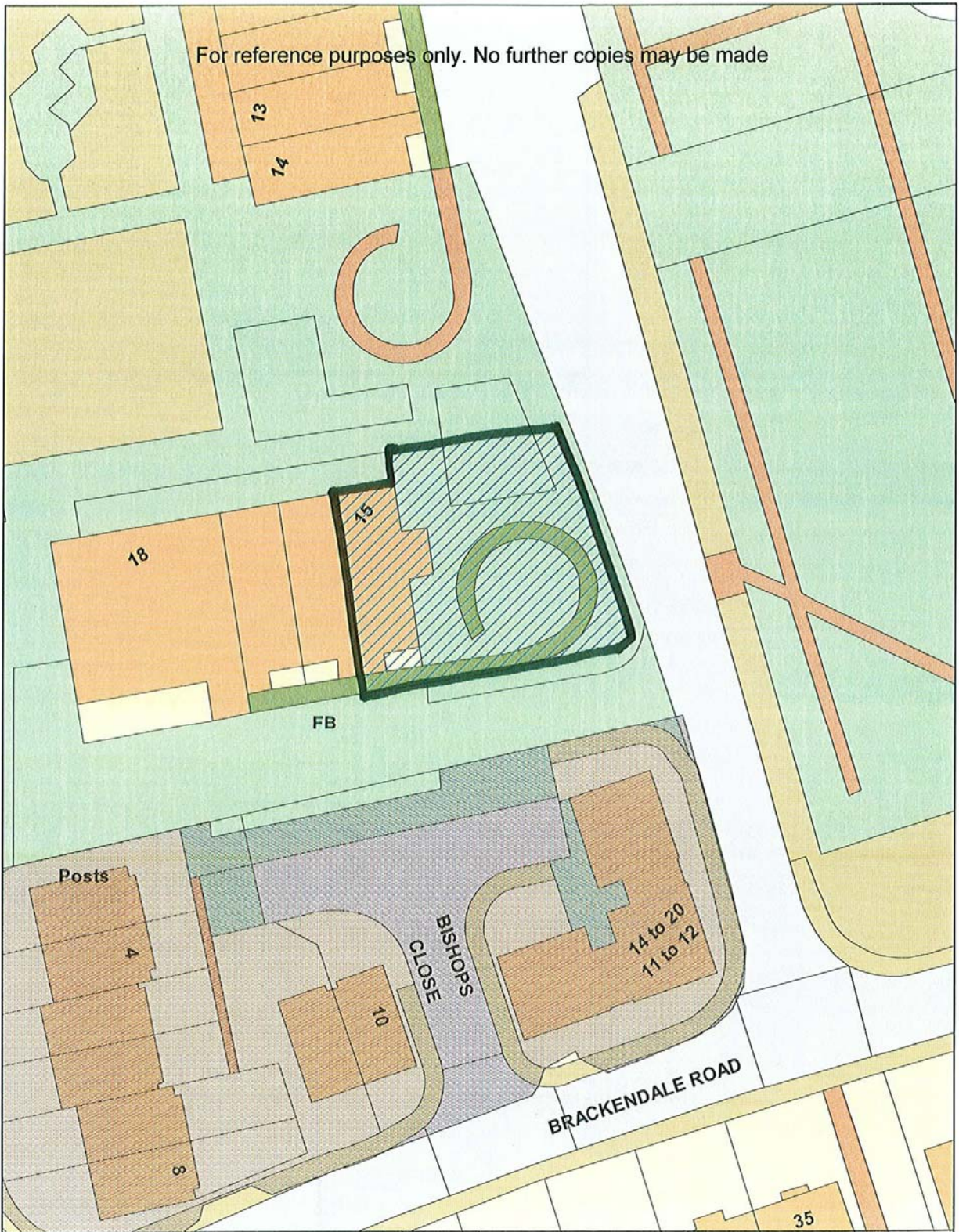
Planning Policy Statements / Guidance, PPS1, , PPS3, PPS4, PPS6, PPG13

Responses from County Highways

Public Consultation Responses incl. Parish Council and Ward Members



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Planning Services

4/10/00094/FPA - Peters Cathedral Bakers Ltd

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Comments

Date

17 May 2010

Scale

1:485

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 4/10/00170/FPA

FULL APPLICATION DESCRIPTION: Application seeking new planning permission to replace extant permission 4/07/00451 (office development to include electricity substation, associated retail unit, car parking and landscaping) in order to extend time period for implementation.

NAME OF APPLICANT: Dunelm developments Ltd

SITE ADDRESS: Former sports ground south east of Durham City Football ground, Belmont Industrial Estate, Belmont, Durham

ELECTORAL DIVISION: Belmont

CASE OFFICER: Peter Herbert, Principal Planning Officer
peter.herbert@durham.gov.uk - 0191 301 8723

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies within the south western section of Belmont Industrial Estate on a long disused sports field. To the north and west lie the Durham City Football Club ground and the Soccarena indoor football facility; to the east the north – south running estate spine road; and to the south a public house, hotel and two car dealerships.
2. The applicants wish to extend the life of an extant planning permission to erect offices with central courtyard containing landscaped parking, associated electricity substation and small ancillary retail unit. The current economic climate has militated against the scheme's implementation, particularly as extensive and costly off-site highway improvements are required, at the developer's expense, prior to office occupation.
3. Having regard to the major nature of this development, it is considered appropriate for consideration by committee.

PLANNING HISTORY

4. Full planning permission (Ref: 4/07/451) for the development in question was granted in August 2007.

PLANNING POLICY

5. NATIONAL POLICY:

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth outlines the Government's objectives to help achieve sustainable economic growth including the positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

Planning Policy Guidance note 13: Transport seeks 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.

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>

6. 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 following policies are considered relevant:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development 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) has as its objectives minimizing energy consumption, the promotion of renewable energy use and high energy efficiency.

Policy 39 (Renewable Energy Generation) establishes regional renewable energy targets (10% by 2010, 20% by 2020).

Policy 54 (Parking and Travel Plans) promotes the minimisation of parking provision and travel plans for non-residential developments in order to encourage sustainable modes of transport.

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>

7. LOCAL PLAN POLICY:

Policy EMP5 (Prestige Industrial Estates – General) of the City of Durham Local Plan 2004 defines the application site as falling within an area designated for B1 (Business) and B2 (General Industrial) land uses.

Policy Q5 (Landscaping – General Provision) requires all new development having an impact upon the visual amenity of the area in which it will stand to incorporate a high level of landscaping.

Policy Q7 (Layout and Design – Industrial and Business Development) has as its objective a high standard of siting, design and external appearance for new business development, appropriate to its surroundings.

Policy Q15 (Art in Design) requires the incorporation of artistic elements within the design and layout of significant developments.

Policy T1 (Traffic Generation – General) precludes new development that would generate a level of traffic generation prejudicial to highway safety.

Policy T10 (Parking – General Provision) requires a level of off-street parking compatible with both highway safety and the promotion of sustainable transport choices.

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>

CONSULTATION AND PUBLICITY RESPONSES

8. STATUTORY RESPONSES:

The Highways Agency offers no objection to planning permission being renewed, on the strict understanding that all highways related planning conditions imposed on the original consent are reimposed.

The County Highway Authority offers no objection on a similar basis to the Agency, in that planning conditions relating to the local road network must be replicated on any new consent.

9. INTERNAL CONSULTEE RESPONSES:

None

10. PUBLIC RESPONSES:

Belmont Parish Council raises no objections.

11. APPLICANTS STATEMENT:

In support of this application, planning consultants Nathaniel Litchfield, acting on behalf of the applicants, state that the current economic climate has slowed demand for office space, therefore it has become necessary for their client to seek to extend the life of the existing planning consent pursuant to this site.

They argue that material considerations in respect of this scheme have not materially changed since the original granting of planning consent; therefore there is no reason to withhold a further approval.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx. 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

12. The main planning issues with regards to this application are considered to be the legislative background, the principle of the development of the site, design and layout issues of the proposals and impact of traffic upon the local highway network and nearby A1(M) motorway junctions.

Legislative Background

13. On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

Principle of Development

14. The planning and physical context within which this application must be judged has not materially changed since planning permission was originally granted for an identical scheme three years ago. Accordingly, what was acceptable in terms of land use policy, access, siting and design then remains so now and remains consistent with Policies EMP5, T1, T10 and Q7 of the Local Plan.

Impact of Traffic

15. One of the key issues raised by the original application was the impact of the level of traffic likely to be generated by this amount of office space on both the local road network, in particular the estate road – Belmont Road and Belmont Road – A690 junctions, and the A690 – A1(M) junction at Carrville Interchange. Planning conditions were imposed to address this concern on the advice of the respective highways authorities. These preclude office occupation prior to the required highways works being completed. This is fully understood by the applicant and compliance with those conditions would ensure the development meets with the expectation of Policy T1 of the Local Plan.

CONCLUSION

16. This is a development that is worthy of support, with the potential for job creation by those companies eventually occupying office space. The buildings have been well designed, and have the potential to enhance an already successful business area. There has been no significant material change to planning policy, other than adoption of the RSS, that would affect the development since planning permission was granted 3 years ago and accordingly the extension of planning permission is fully supported.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the followed approved plans, specifications and conditions hereby imposed:

7877/02B Proposed Site Layout

7877/03C Units 1 and 2 Proposed Floor Plans and Elevations

7877/04C Units 3 – 7 Proposed Floor Plans and Elevations

7877/05C Units 8 – 9 Proposed Floor Plans and Elevations

7877/06C Units 10 – 12 Proposed Floor Plans and Elevations

7877/07C Unit 13 Proposed Ground and First Floor Plan
7877/08D Unit 13 Proposed Elevations and Second Floor Plan
7877/09D Unit 13 Proposed Elevations
7877/10D Unit 14 Proposed Floor Plans and Elevations
7877/11C Unit 15 Proposed Ground and First Floor Plan
7877/12D Unit 15 Proposed Second Floor Plan and Elevations
7877/13D Unit 15 Proposed Elevations
7877/14C Unit 16 Proposed Ground Floor and First Floor Plan
7877/15C Unit 16 Proposed Elevations and Second Floor Plan
7877/16C Unit 16 Proposed Elevations
7877/17D Unit 17D Proposed Floor Plans and Elevations
7877/18D Unit 18D Proposed Landscaping Layout
7877/19 Proposed Substation, Floor Plan and Elevations
7877/20 Proposed Refuse Bay, Floor Plan and Elevations

Submitted 26 April 2007

3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
8. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.

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9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
 10. Refuse storage details, including elevations and materials, shall be agreed in writing with the Local Planning Authority then implemented in full accordance with that agreement prior to the occupation of any building.
 11. Prior to their construction, full details of all fire escapes, including design, materials, and colours shall be agreed in writing with the Local Planning Authority. Subsequently they shall be built in full accordance with that agreement.
 12. Prior to commencement of development works on the site, details of improvements to the A1(M) / A690 junction, as illustrated in principle on RPS drawing TR03 (Proposed interim layout of grade separated junction 07/07), shall be submitted to and approved in writing by the local planning authority. The improvements shall include the provision of MOVA control on all traffic signals (both existing and proposed). The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
 13. Prior to first use or occupation of any part of the development, the required improvements to the A1(M) / A690 junction (as set out in Condition 1) shall be completed to the satisfaction of the local planning authority. This would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
 14. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (As set out in Conditions 1 and 2) become operational. The Audits shall be carried out in accordance with DMRB HD 19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
 15. Prior to first use or occupation of any part of the development, the required infrastructure improvements (as set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS) shall be completed to the satisfaction of the Local Planning Authority.
 16. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority and Highways Agency.
 17. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken no later than six months after first occupation of the development. The results of this survey shall be provided to the Local Planning Authority and Highways Agency, and used to agree appropriate mode share targets, outcomes, and corresponding timescales.

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18. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken on an annual basis (at the same time as the baseline survey identified in Condition 5) for as long as the development remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.
 19. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
 20. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

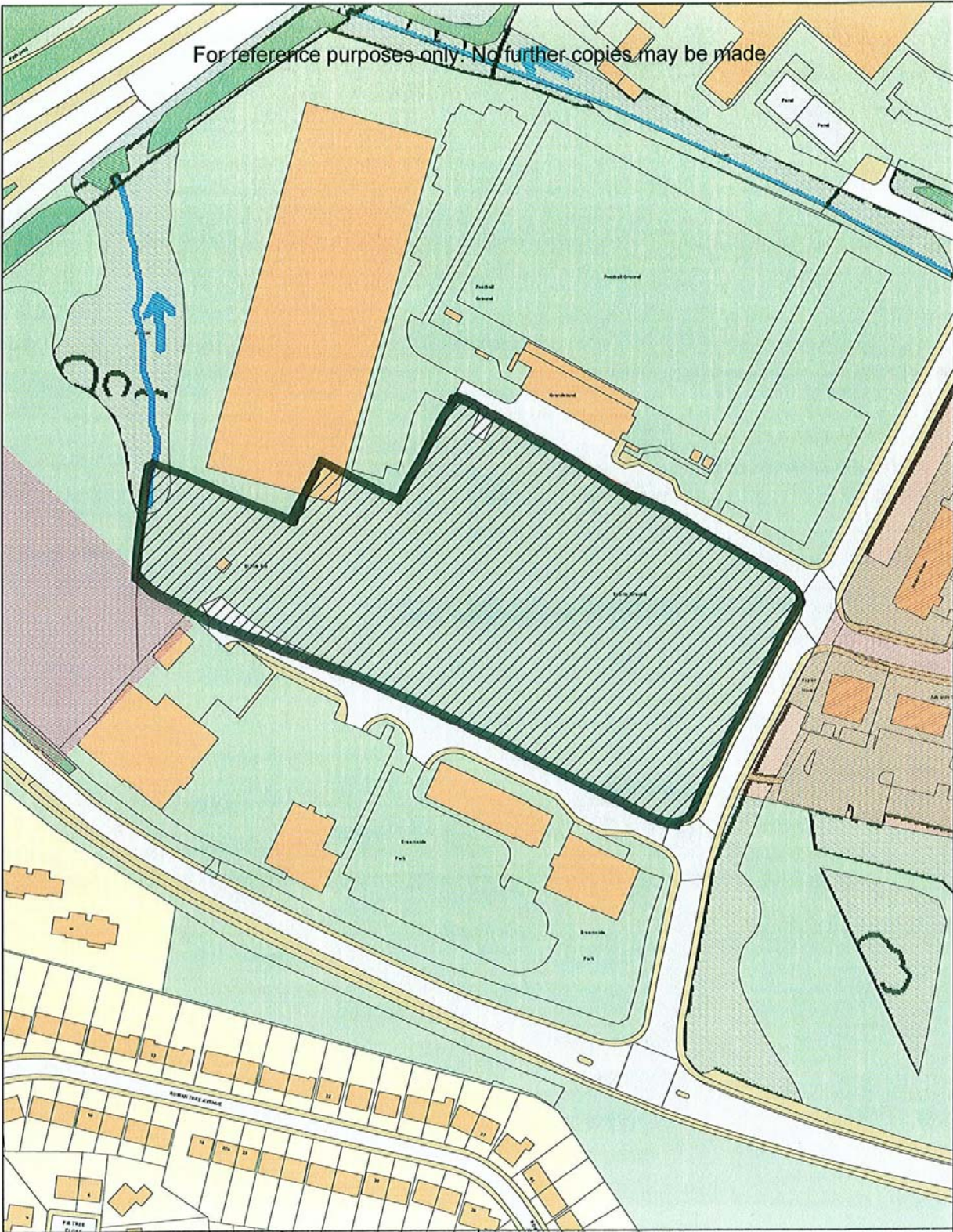
REASONS FOR THE RECOMMENDATION


1. The proposed development is considered acceptable, having taken full account of the objectives of Policies EMP5, Q5, Q15, T1 and T10 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 4, 7, 25 and 54 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. More specifically, this development is considered to be an appropriate land use for the site chosen, and of a design capable of enhancing its surroundings. Furthermore, the provision of office space in such a location has the potential to contribute to the economic growth of both county and region.
3. No objections have been raised in respect of this application, and the requirements of the respective highways authorities have been reflected by the recommended planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1
Responses from the Highways Agency and County Highway Authority
Public Consultation Responses

For reference purposes only. No further copies may be made



 Durham County Council	Planning Services			4/10/00170/FPA - Former Sports Ground	
	Comments				
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00223/FPA

FULL APPLICATION DESCRIPTION: Application seeking new planning permission to replace extant permission 07/00053 (conversion of Sheraton House to form 25 apartments, and construction of apartment building to rear of Sheraton House to form 22 apartments and associated infrastructure work, car parking, and landscaping) in order to extend time period for implementation.

NAME OF APPLICANT: Crosby Homes Yorkshire Ltd

SITE ADDRESS: Sheraton House, Sheraton Park, Darlington Road, Nevilles Cross, Durham.

ELECTORAL DIVISION: Nevilles Cross

CASE OFFICER: Peter Herbert, Principal Planning Officer
peter.herbert@durham.gov.uk – 0191 301 8723

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies within the south western part of Durham City at Sheraton Park, a residential development built recently on the site of a former further educational college. Sheraton House is a substantial detached Edwardian building standing prominently within the centre of Sheraton Park.
2. The applicants wish to extend the life of an extant planning permission to convert Sheraton House to form 47 apartments, with associated extension, infrastructure work, car parking and landscaping.
3. Having regard to the major nature of this development, it is considered appropriate for consideration by committee.

PLANNING HISTORY

4. Full planning permission for the development in question was granted in March 2007 Ref 4/07/0053.

PLANNING POLICY

5. NATIONAL POLICY:

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

PPS3: 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.

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>

6. 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 following policies are considered relevant:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development 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) has as its objectives minimizing energy consumption, the promotion of renewable energy use and high energy efficiency.

Policy 39 (Renewable Energy Generation) establishes regional renewable energy targets (10% by 2010, 20% by 2020).

Policy 54 (Parking and Travel Plans) promotes the minimisation of parking provision and travel plans for non-residential developments in order to encourage sustainable modes of transport.

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>

7. LOCAL PLAN POLICY:

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City subject to safeguards.

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 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 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 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 neighboring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00223/FPA>.

CONSULTATION AND PUBLICITY RESPONSES

8. STATUTORY RESPONSES:

The County Highway Authority offers no objection to planning permission being renewed.

9. INTERNAL CONSULTEE RESPONSES:

The Area Planning Policy team raises no objections to planning permission being renewed.

The County Council Sustainability Officer has requested that a planning condition be attached to any new consent addressing renewable energy.

10. PUBLIC RESPONSES:

Letters have been received from six neighboring residents, only one of whom objects to the extension of planning permission. Concerns centre upon the poor state of Sheraton Park roads and footpaths that are yet to be brought up to adoptable standard due to the uncompleted nature of the estate, and in particular Sheraton House.

The objector believes that to extend the planning permission would unnecessarily prolong the scheme's completion.

11. APPLICANTS STATEMENT:

Planning consultants Colliers CRE state, on behalf of the applicants, that the economic downturn has necessitated Crosby Homes postponing the commencement of conversion works at Sheraton House. However, it is their intension to fully implement the approved scheme once market conditions improve.

They argue that as material planning considerations in respect of this development's acceptability have not changed there should be no obstacle to a permission renewal.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_searchresults.aspx. 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

12. The main planning issues with regards to this application are considered to be the legislative background; the principle of the development of the site; and design and layout issues raised by of the proposals.

Legislative Background

13. On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

14. The circumstances that led to the original planning permission relating to this scheme have not significantly changed. Other than the adoption of the Regional Spatial Strategy there has been no material change to the relevant planning policies except the requirement to provide an element of the sites energy requirements from renewable energy. This is reflected in the requirement for an additional planning condition (No9).

Accordingly there is no planning reason to withhold a new permission. This will enable the development to be completed when it is financially viable, and complete the overall Sheraton Park concept.

15. Only one objection to such a course of action has been received. However, the refusal of planning permission can only delay or prevent entirely the completion of Sheraton Park. Accordingly, it would potentially worsen rather than improve an unfortunate situation brought about by economic circumstances rather than an otherwise unwillingness to proceed on behalf of the developers.

Accordingly, this application is supported.

RECOMMENDATION

That the application be **Approved** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. No development shall commence until a scheme for the enhancement of the appearance of the electricity substation to the south east of Sheraton House, and of the bat structure to the east, has been agreed in writing with the Local Planning Authority. The agreed scheme, subject to the approval of NEDL and the granting of a DEFRA license, shall be implemented in full prior to any occupation of the approved apartments.
8. Construction operating hours shall be confined to between 8 00 am and 6 00 pm Monday to Friday, and 9 00 am to 2 00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.

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9. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
 10. All construction traffic shall service the application site only via the central compound entrance located at the Dalton Crescent Clay Lane junction, and by no other route, without the express written consent of the Local Planning Authority.
 11. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed:

HJB/552/PA 51b Site Plan
HJB/552/PA 52b Ground Floor Plan
HJB/552/PA 53b First Floor Plan
HJB/552/PA 54b Second Floor Plan
HJB/552/PA 55b North Elevation
HJB/552/PA 56b South Elevation
HJB/552/PA 57b East Elevation
HLB/552/PA 58b West Elevation
HJB/552/PA 59b Cross Sections
As marked amended and received 2 March 2007

HJB/552/PA 62A Landscape Proposals
HJB/552/PA 50 Application Boundary
As received 10 January 2007

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered acceptable, having taken full account of the objectives of Local Plan Policies H2, H12, H13, Q8, Q15, R2, T1 and T10. of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of State's Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 4, 7, 25 and 54 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. More specifically, this development is considered both appropriate and desirable to the success of the larger Sheraton Park scheme.
3. Concerns regarding the length of time being taken for the Sheraton House conversion are acknowledged. However, the renewal of planning permission is the first step towards completion. In the meantime, efforts are being made to bring as many roads and footpaths to adoptable standard as possible, as soon as possible, to improve residential amenity levels for those living at Sheraton Park.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

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

City of Durham Local Plan 2004

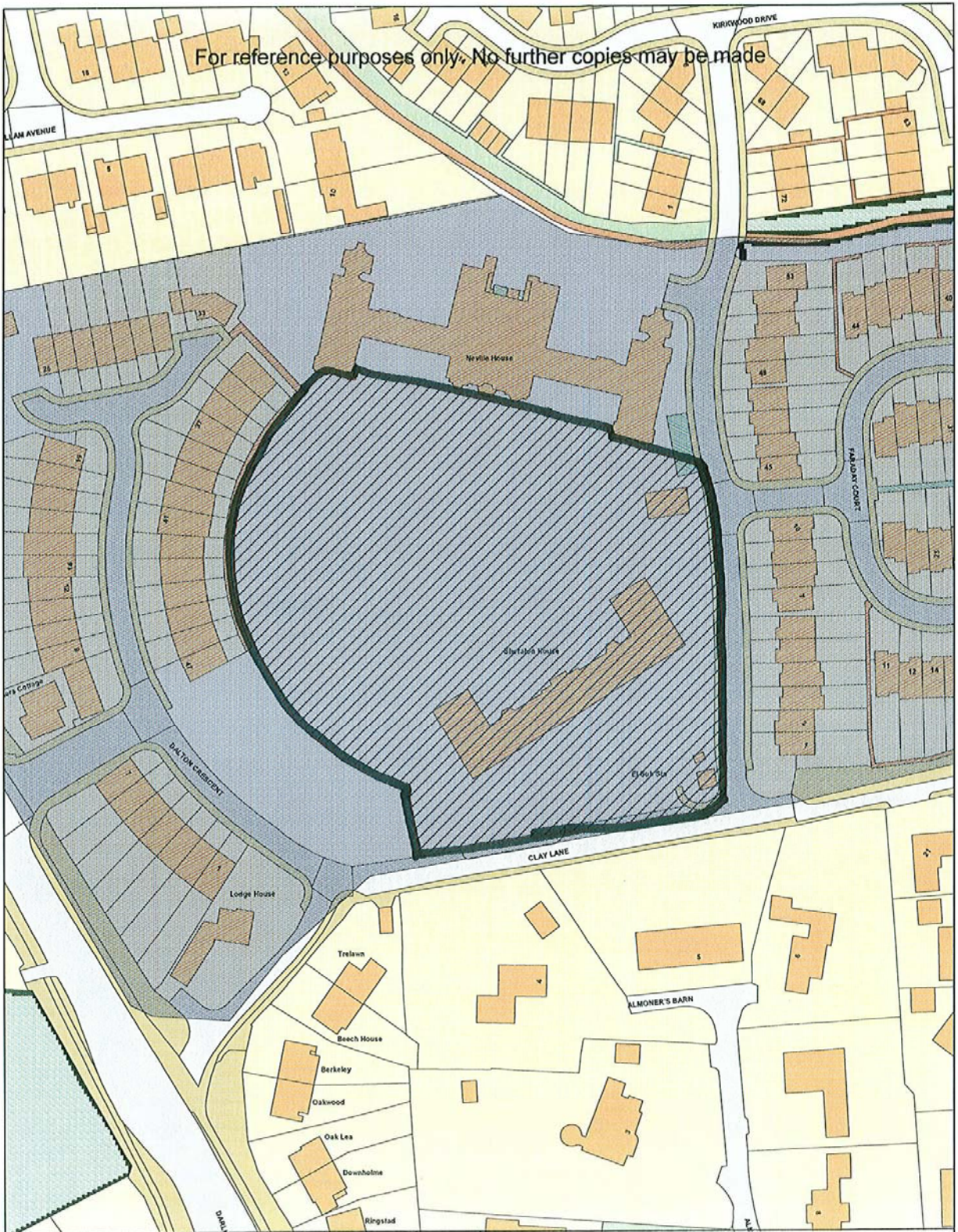
Planning Policy Statements / Guidance, PPS1, & PPS3

Responses from County Highways

Public Consultation Responses



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Planning Services

4/10/00223/FPA - Sheraton House, Off Darlington Road

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Comments

Date

17 May 2010

Scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PLAN/2008/0685
FULL APPLICATION DESCRIPTION	26 No. DWELLINGS AND ASSOCIATED LANDSCAPING
NAME OF APPLICANT	YUILL HOMES
SITE ADDRESS	FORMER CROSSWAYS HOTEL, DUNELM ROAD, THORNLEY DH6 3HT
ELECTORAL DIVISION	THORNLEY
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 The application site comprises of the site of the former Crossways Hotel and the adjoining area of rough grazing land. The majority of the site is un-occupied following the demolition of the hotel buildings. The site is 1.1-hectare in area, and is situated to the south of Dunelm Road on the western boundary of the village of Thornley. The application site is bounded to the northwest by Dunelm Road, to the southwest by the A181, the northeast by residential properties at the edge of Thornley Village, and to the southeast by the Heritage Trail, a public footpath. The application site slopes steeply from the Dunelm Road frontage from north to south.
- 2 The application site is situated adjacent to the A181, a well used road that gives access to the A19 to the east and A1 to the west. There is a bus stop immediately adjacent to the site, with regular bus links provided to Durham, Hartlepool and Sunderland.
- 3 The immediate surrounding area is predominantly open countryside, although the east is the village of Thornley. The village itself is generally linear in form and is comprised of a mix of house types, the majority of which are older privately owned, however there has been a limited amount of new build in the centre of the village, alongside considerable clearance of inappropriate housing stock. The site lies outside the settlement limit of Thornley as detailed in the District of Easington Local Plan (adopted 2001), the site is therefore considered to represent land in the countryside.

- 4 Planning permission is sought for the erection of 26 no. detached houses. The scheme proposes a mix of 3 and 4 bedroom, 2 and 2½ storey dwellings. Vehicular access will be provided from Dunelm Road from a similar position to that of the previous hotel use on the site. A single estate road will provide access to the proposed houses set around three turning heads. The proposed access road is to be constructed to adoptable standards. Boundary treatments will be a mix of screen fencing, walling and railings. Each individual property is to have a private amenity space. Adequate facilities for the storage of refuse bins and secure cycle storage are included within the proposed development. The development will include appropriate landscaping works, an indicative proposal has been submitted in support of the application; such works will be secured through a suitable planning condition. The proposed houses are to be finished from a range of three different bricks and two different roof tiles.
- 5 The proposed development does not include any affordable housing provision on site. Instead the applicant has agreed to enter into a S.106 legal agreement to provide a financial payment (£300,500), which will be used by the Council to provide affordable housing in the village of Thornley.

PLANNING HISTORY

- 6 PLAN/2007/0026 – Residential Development (Outline) – Refused 20/03/2007
This application relates to the same application site as the current proposal. The application was refused as the proposal represented the development of a predominantly "greenfield" site outside the established settlement boundaries as identified in the District of Easington Local Plan. As such it was considered that the proposal would prejudice the development of previously developed sites in Thornley and undermine the Council's regeneration objectives, and would be contrary to Durham County Structure Plan Policy 9 and District of Easington Local Plan Policies 3, 67, 68 and 69.
- 7 The following two applications relate to the site of the former Crossways Hotel and associated car park and gardens. They did not include the grassed field, that makes up the eastern half of the current application site.
PLAN/2007/0195 – Residential Development (Outline) – Approved 19/06/2007
PL/5/2010/0064 – Residential Development (Reserved Matters) – Approved 29/03/2010

PLANNING POLICY

8 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

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

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

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>

9 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 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

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 35 (Flood Risk) states that a strategic, integrated, sustainable and proactive approach to catchment management to reduce flood risk within the Region should be integrated with a sequential risk-based approach to development and flooding should be adopted as set out in PPS25.

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>

10 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

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

11 STATUTORY RESPONSES:

Environment Agency – Subject to an appropriate condition requiring a suitable surface water drainage scheme to be agreed being attached to any grant of planning permission; no objections.

12 INTERNAL CONSULTEE RESPONSES:

Planning Policy – The application relates to a site situated outside the established settlement boundary of Thornley. Part of the application site is also considered to be greenfield land. The proposed development is considered to be contrary to relevant advice contained within PPS1, PPS3, PPS7 and relevant District of Easington Local Plan policies.

Economic Regeneration – The need to secure the long term regeneration of Thornley has long been recognised, with a number of initiatives to deliver Housing-led regeneration being pursued in the last ten years. The proposal subject of this application provides an opportunity to secure investment and further progress the process of housing type and tenure diversification within the village of Thornley. It is recognised that there are planning policy issues with the location of the site, however, it is considered that there are strong regeneration merits to the scheme, which outweigh the planning objections to the development.

Housing – Support the application for the following reasons:

- It offers the opportunity for a range of detached/executive style houses to be built in a location where such housing is under represented. This supports a key finding from the Strategic Housing Market Assessment (2008) and such housing need to be encouraged.
- The site is part of the Growth Point area and although not a growth point site 'per se' its development will assist in delivering new housing and boosting housing supply generally in an area where the economic downturn has significantly hindered housing starts this year.
- The developer is prepared to enter into an (off site) S.106 contribution and commuted sum, which will provide valuable additional resources to the village of Thornley.
- It will assist in the overall regeneration of Thornley (and adjacent) Wheatley Hill) where public sector resources are being channelled towards revitalising existing social housing estates and developing new sites for affordable and market sale residential dwellings.

Highways Authority – The proposed access arrangements are the same as those previously approved under the reserved matters application for the former Crossways Hotel part of this application site. The re-location of the existing bus-stop will need to be secured through the use of an appropriate planning condition.

13 PUBLIC RESPONSES:

New Thornley Partnership – Thornley Regeneration Partnership is a voluntary organisation made up of local residents who came together in the 1990's with an aim to develop and encourage regeneration projects within the village. The Partnership after consultation with Yuill Homes and staff from the County Council's Economic Regeneration Unit feels that the proposed redevelopment of the Crossways site and the adjacent land will bring about extensive regeneration within the village. The Partnership fully acknowledges that Yuill's proposal will also enhance the gateway into the village and bring wider economic benefits.

The application has been advertised in the local press and by a site notice. Neighbour consultation letters have also been sent. One letter of representation has been received supporting the proposed development. It is considered that the proposed works will provide a landmark development, which will help to regenerate the village of Thornley.

14 APPLICANTS STATEMENT:

Yuill Homes, from its Hartlepool base, has built up an enviable reputation over its 83 years by providing high quality homes and living environments to the people of the North East.

We believe our proposals at the Crossways site can play a crucial role in accelerating Thornley's exciting renaissance. The development of 26 high quality 3 and 4 bedroomed homes, with associated landscaping, will provide not only a much-needed 'gateway' to Thornley and greater choice for those wishing to live in the village, but will also generate a substantial off-site financial contribution for Durham County Council to use to kickstart the much needed and long awaited regeneration initiatives in the village centre.

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=102403>. 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

15 The key issues to consider in determining this application are:

- Planning Policy
- Site History
- Design, Scale, Layout and Landscaping
- Economic Regeneration
- Affordable Housing
- Play Space
- Renewable Energy

Planning Policy

- 16 As noted by the Planning Policy Officer in his comments, this proposal is not considered to accord with the relevant development plan policies governing the location of new housing development. The proposal relates to a site situated outside the established settlement boundary for Thornley, half of which is considered to be Greenfield. As such the proposed development of this site would be contrary to relevant national policy, which aims to promote the development of previously developed land within urban areas, and relevant local plan policies.
- 17 Planning Policy Statement 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. As the proposal relates to a partly “greenfield” site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement 3: Housing.
- 18 As the application relates to a site situated outside the established settlement boundary, the proposal is considered to represent development in the countryside. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. Special justification could for example relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.
- 19 The Regional Spatial Strategy for the North East requires a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As the current proposal relates to a site situated away from the main towns for this area of Durham (Peterlee and Seaham), the proposal application would be considered to represent the least preferable type of site for new housing development.
- 20 Officers consider that housing development should normally only be approved on sites within the towns and villages of the District. There are a number of reasons for this: firstly, new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities. Thornley has seen a fall in its population in recent years as unsuitable/low demand housing has been cleared, for example: Thornlaw North; Thornlaw South; and Coopers Close. All of these sites are within the village boundary and their redevelopment would maintain the compact and convenient village form as well as sustain the village's population and local businesses. In principle the redevelopment

of these “Brownfield” sites should take priority over sites, which are outside the village boundary such as the current proposal. Indeed, it could be argued that development of sites outside of the settlement boundary could undermine the regeneration of the village as a whole. It should be noted, however that the redevelopment of Thornlaw North has recently commenced on site.

- 21 Policy 67 of the Local Plan states that housing development will be approved on previously development sites within settlement boundaries of established towns and villages. The application site is situated outside the village of Thornley as outlined in the Local Plan. It is accepted that part of the application site, specifically the site of the former hotel and associated gardens and parking area, can be considered to be previously developed land under the definitions contained within PPS3. However, a significant part of the site including the field situated between the former Crossways Hotel and the edge of Thornley village, is considered to be “greenfield”; and is currently used for the grazing of horses. On this basis the application site as a whole cannot be considered to be previously developed or “Brownfield”. The proposal is therefore considered contrary to policy 67 of the local plan.
- 22 Policy 3 deals with development in the countryside in general and states that it will not be approved. This proposal would represent new-build in the countryside and does not include the conversion of any existing structure; furthermore, the applicant in relation to this proposal has identified no agricultural need. It is therefore considered that the proposal is contrary to the relevant development plan policies.
- 23 With regard to the above, it is considered that the proposal represents a departure from the local plan and relevant national guidance. However, whilst the application is clearly contrary to both national and local planning policy, it is considered that the proposed development will bring significant regeneration benefits to the area. In determining the application the regeneration benefits of the application will need to be assessed against the planning policy objections. These issues are discussed below.

Site History

- 24 In relation to planning history the site is effectively split into two areas, the first of these is to the south-western end of the of the application site and was previously occupied by the Crossways Hotel and ancillary gardens and car parking. This section of the site is 0.57 Ha in area and has the benefit of an outline planning permission and a subsequent approval of reserved matters (PLAN/2007/0195 and PL/5/2010/0064). Works have recently commenced on this part of the application site. Due to the number of houses proposed no affordable housing is included in this scheme.
- 25 The second portion of the application site abuts the first, along its north-eastern boundary. This section also has an area of 0.57 Ha, and is currently used as grazing land. This section of the application site has also been subject to a previous planning application for residential development (PLAN/2007/0026). This application was refused due to “greenfield” nature of the land, and the location of the site being outside the established settlement boundary.
- 26 The previous planning approval on this site would result in half the current application site being developed, whilst the remaining area of land would be left as grazing land. This grazing land would be sited between the approved development that is now under construction and the existing residential properties to the north that form the edge of the village of Thornley. There would be benefits to allowing the

current application, rather than completing the development as approved. Firstly, the development of the site in its entirety as proposed would effectively “fill-in” the gap between the approved new housing and the existing houses on the edge of the village. The development as a whole would then appear as part of Thornley, rather than having a development separated by the existing grazing land, to the benefit of the settlement form. Secondly, the currently approved development does not provide any affordable housing due to the number of dwellings proposed. However due to the number of dwellings proposed through the development of the site in its entirety, affordable housing would be provided for at a level that would not be achieved if the two sites were disaggregated.

- 27 The planning history of the site is therefore considered to set a precedent for the residential development of the former Crossways Hotel site and grounds, and as discussed above also provides some justification for allowing the development of the existing grazing land.

Design, Scale, Layout and Landscaping

- 28 National Planning Guidance relating to Housing Developments is contained with PPS3: Housing; the main aim of national guidance is to increase density of development and mixture of housing type. The proposal provides for a variety of 3 and 4 bedroomed detached properties, at a fairly low density. Therefore the proposed development could be considered not to accord with the main aims of national guidance, however, in this instance both the house types and density proposed are considered acceptable.
- 29 The types of houses proposed would enhance the existing housing stock within Thornley, by providing aspirational executive type homes, which are not currently found within the village. As noted by County Council Housing Officers this supports a key finding from the Strategic Housing Market Assessment (2008), which highlighted that such housing needed to be encouraged. Guidance contained within PPS3 suggests a minimum density for housing developments of 30/Ha; the development subject of this application proposes a density of 22/Ha. Due to the type of housing proposed, and the location of the site on the edge of the village, the density of development is also considered acceptable.
- 30 In general, the design, scale and layout of the development are considered to be in keeping with the relevant national guidance and Local plan policies. The proposed development would be finished in materials considered to be in keeping with the locality. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints in relation to site shape and location. The scheme achieves the distancing standards in terms of privacy and amenity space, which are set out in the appendix of the District of Easington Local Plan. All properties are provided with private gardens and off-street parking facilities.
- 31 The proposed development will include landscaping works, and where possible existing boundary planting has been retained. Indicative plans have been submitted although detailed plans will need to be agreed though use of an appropriate planning condition.

- 32 In summary, the proposed design and layout of the development are considered to accord with the relevant development plan policies. Details of materials to be used and means of enclosure proposed have been included with the application and are considered acceptable. Conditions to agree landscaping works should be attached to any grant of planning permission.

Economic Regeneration

- 33 The need to secure the long term regeneration of Thornley has long been recognized, with a number of initiatives to deliver Housing-led regeneration being pursued over the last ten years. However despite this (largely public sector) investment, Thornley remains a settlement with a poorly defined function and requires significant investment in the current housing stock as well as the need to attract further investment in new and diverse (type and tenure) housing and associated community facilities.
- 34 The proposal subject of this application provides an opportunity to secure investment and further progress the process of housing type and tenure diversification. As stated previously the location and extent of this application provides challenges in terms of existing policy framework in relation to the settlement boundary. However, it is considered that there are strong regeneration merits to the scheme, which outweigh the planning policy objections.
- 35 The regeneration of Thornley has recently been the subject of a comprehensive master planning exercise undertaken by Nathaniel Litchfield and Partners and has involved significant consultation with local authority officers, partner organisations and residents. This master plan considered the current socio-economic profile of the settlement, the urban form and the locational opportunities afforded by the road network and Thornley proximity to Durham City, all of which need to be considered alongside the changing focus of the village since the closure of the Colliery in 1970 and subsequent decline and deterioration of the physical fabric of the village.
- 36 Throughout the 1990's the former Easington District Council identified the need to secure investment into Thornley as part of a programme to reduce the level of social housing, address defective housing and improve the overall type and tenure mix. Improvement to the general living environment and the absence of adequate community facilities were also recognized as requiring attention in securing the long-term future of the village.
- 37 Generally, other than at Thornlaw North, Thornley has seen little new private development in recent years, and the master plan identifies that there remains "a shortage of housing to meet the aspirations of households who want to move to better quality homes and neighborhoods". It is considered that addressing this issue is central to the creation of a sustainable community, which could, though its location become a vibrant and successful place.
- 38 It is considered that the development of the former Crossways Hotel site and adjacent grazing land, as detailed in this application provides an opportunity to address many of the regeneration issues. As a key "gateway" site off the A181 the development as proposed provides the opportunity to deliver a step change in the image and promotion of Thornley for further investment, providing new larger homes whilst also securing the opportunity to add to the provision of affordable units off-site in the centre of the village, in a location to support the regeneration master plan options.

- 39 If planning permission were to be granted for the proposed development, it would provide a stimulus to delivering further physical renewal including other residential sites, community facilities and public realm improvements all of which are seen as priorities by local residents and other developers in contributing to the long-term aims of the regeneration master plan.
- 40 It is therefore considered that the development as currently proposed would have real economic and regeneration benefits for the village of Thornley, which when considered alongside the issues in relation to the planning history of the site would outweigh the planning policy objections to the scheme.
- 41 Officers consider the issue of planning history to be of particular reference to the recommendation made; in that the present application site sits effectively in an illogical gap between built development to either side. Members will be aware that when resolving to refuse planning permission for development proposals they not only have to base their decisions on issues of planning policy; but also have to have regard to what demonstrable harm a development would cause. Whilst ordinarily development in the countryside, outside of defined settlement limits, would be held to be harmful to the pleasant open character of such areas, in this case Officers feel that due to the existence of built development to either side, there would be no demonstrable harm caused sufficient to justify refusal of the planning application. This added to the aforementioned regeneration benefits that the scheme would bring, is considered to justify approval in this instance.

Affordable Housing

- 42 The saved District of Easington Affordable Housing Policy Statement requires affordable housing to be provided in developments of 15 houses or more. The Policy requires the affordable homes to be provided on-site, unless this would be inappropriate. In this instance, due to the location of the site on the edge of the village, and the recognized requirement for the executive housing proposed, it would be considered inappropriate to require the affordable units to be provided on-site. It is considered that it would be more appropriate to secure a commuted sum to provide for affordable homes in a more appropriate location, better related to the existing community facilities and where a higher density of development would be suitable.
- 43 As such the current proposal does not provide for on-site affordable housing, instead the applicant has proposed to make a financial payment in-lieu of affordable housing provision. The sum proposed is £300,500 and will be secured through a S.106 legal agreement to be attached to any grant of planning permission. The commuted sum is considered to be acceptable, and is equal to the cost of providing the equivalent number of affordable units on site. The commuted sum is to be used by the County Council to provide affordable homes within the village of Thornley.
- 44 On the basis of a commuted sum being secured through a S.106 legal agreement, the proposed development is considered to accord with the relevant affordable housing policy.

Play Space

- 45 Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal

includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of on site play space provision. The secured finance would be used to improve existing play space within the village of Thornley. The applicant has agreed to enter into such an agreement to provide for a sum of £13,000. This is considered to be an acceptable alternative to on-site play space in this case, as improved provision elsewhere is likely to benefit a wider population.

Highways

- 46 The site layout includes vehicular access from Dunelm Road situated to the north of the application site. The proposed access arrangements are considered to accord with previous highways officer advice given in relation to this site and the recent approval of reserved matters (PL/5/2010/0064), and are acceptable. The proposed parking provision accords with relevant County guidelines.
- 47 Any planning permission will need to include conditions covering the treatment of the 'old road' situated on the northern side of the site and the improvement of the existing bus-stop and bus lay-by situated on Dunelm Road.

Renewable Energy

- 48 Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. The applicant has argued that as this requirement has not been sought on the previous outline or reserved matters planning approvals on this site, it would be unreasonable for the current development to have to conform to the policy. Furthermore it has been argued by the applicant, that compliance with the policy would affect the viability of the scheme and would therefore require further negotiation of the agreed commuted sum in relation to affordable housing provision.
- 49 Officers is prepared to accept the arguments put forward by the applicant in this case. The regeneration benefits to be derived from the agreed commuted sum in relation to affordable housing provision are considered to outweigh the need to secure on-site provision of renewable energy.

CONCLUSION

- 50 The proposed development of residential properties on the application site clearly contravenes relevant national, regional, County and District Council policies and in principle planning permission would normally be refused. However, as noted in the report it is accepted that the proposed development will have regeneration and economic benefits for the village. The proposal would provide much needed aspirational executive type houses, a house type not currently found within Thornley, and the proposed development would also include a commuted sum to provide for affordable homes within the village. The development as proposed would provide a stimulus for delivering further physical renewal including other residential sites, community facilities and public realm improvements, all of which are priorities for local residents.
- 51 Furthermore, as discussed above it is considered that due to the locational characteristics of this particular scheme; being proposed on effectively a site which presents itself as an 'infill' site that would be no demonstrable harm caused by the development as proposed.

- 52 The clear regeneration benefits of the scheme do not change the fact that the proposed development is considered to represent a departure from the local plan. This is on the grounds that the planning application proposes the development of a partly Greenfield site, outside the established settlement boundaries for residential development. As Members are aware the Law requires that development proposals should be considered in accordance with the aims of the development plan in force for the area, unless it is considered that material planning considerations raised by a particular proposal indicate otherwise.
- 53 In this case it is considered that there is a clear justification to depart from the aims of the development plan. Whilst the application is contrary to the national and local policies governing the location of new residential development, it is considered in regeneration terms and in the best interests of the village as a whole that the development of this site for housing would be acceptable. The economic benefits of allowing the proposed development, together with a lack of demonstrable harm raised by the scheme, are considered to be a material planning considerations in determining this application.
- 54 Although the proposals represent a departure from the development plan, they are not of a scale that would warrant referral to the Secretary of State.

RECOMMENDATION

- 55 That the application be **APPROVED** as a justified departure to the aims of the development plan subject to the applicant entering into a Section 106 legal agreement to secure a financial contribution for the provision of affordable homes (£300,500), and for the enhancement or provision of play space (£13,000) 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. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan References: Location Plan, Arboricultural Implication Assessment (All About Trees - prepared by Andrew Watson) - date received 20/11/2008. Amended Plans: Estate Layout & Ext. Material Schedule (LX204:02:02.C), Hampshire Planing Drawing (HAM.20.01), Hampshire Planning Drawing (HAM.20.02), Marlborough Planning Drawing (MBR.20.01), Marlborough Planning Drawing (MBR.20.02), Hylton Planning Drawing (HYL.20.01), Hylton Planning Drawing (HYL.20.02), Homewood Planning Drawing (HOM.20.01), Homewood Planning Drawing (HOM.20.02), Buckleigh Planning Drawing (BUC:20:02), Buckleigh Planning Drawing (BUC:20:01), Single Garage Detail (DET.08.01 A), Double Garage Detail D1 (DET.08.09 A), Double Garage Detail D2 (DET.08.10 A), Double Garage Detail D2 (DET.08.12 A), Double Garage Detail D3 (DET.08.15 A), External Enclosure Details (DET.09.01), External Enclosure Details (DET.09.02), External Enclosure Details (DET.09.06), External Enclosure Details (DET.09.07) - date received 01/03/2010.

3. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the occupation of dwellings. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.
5. Within one month of works commencing on site, a plan showing details of the treatment of the 'old road' construction adjacent to the B1279, situated between the A181 road and the access to the application site, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details. None of dwellings hereby approved shall be occupied until the agreed works have been completed.
6. Before any of the dwellings hereby approved is first occupied, improvements shall be made to the bus lay-by and bus shelter situated to the north of the application site. Details of the required works to the bus stop, together with any associated highway works that may be necessary, shall be submitted to the local planning authority within one month of works commencing on site and agreed in writing. Thereafter the development shall be carried out in accordance with the agreed details.
7. 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.

REASONS FOR THE RECOMMENDATION

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

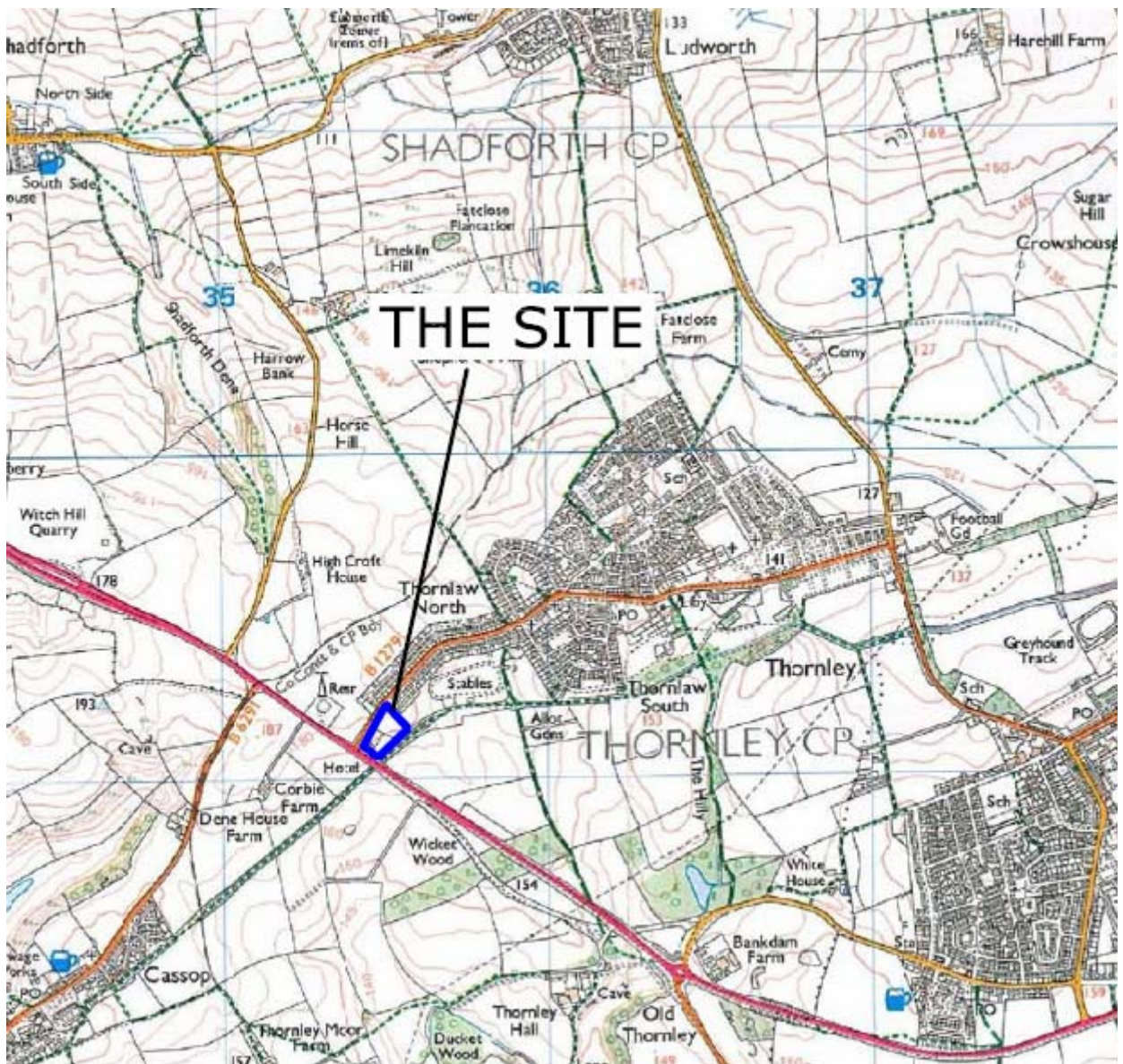
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ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS7 - Sustainable Development in Rural Areas

2. The benefits of the development of the site are considered sufficient to warrant the departure from the Local Plan. The proposed residential development would provide much needed aspirational executive type houses, a house type not currently found within Thornley, and the proposed development would also include a commuted sum to provide for affordable homes within the village. The proposal would provide a stimulus for delivering further physical renewal of the village of Thornley including other residential sites, community facilities and public realm improvements, all of which are priorities for local residents. The proposed layout, design and scale of the proposed dwellings are considered to accord with the relevant development plan policies and are in keeping with the locality.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS7, PPS13
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

APPEALS RECEIVED:

**Appeals by Mr J Taylor
Site at Low Raisby Farm Cottages, Kelloe, Durham**

An appeal has been lodged by Mr J Taylor against the Council's refusal to grant planning permission for the erection of an agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works at Low Raisby Farm Cottages, Kelloe, Durham, DH6 4PW.

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

Recommendation:

That the report be noted.

APPEAL UPDATE (EASINGTON AREA OFFICE)

APPEALS RECEIVED:

***Appeal by Cornwall Light and Power Ltd*
Site at South Sharpley Farm, Seaton**

An appeal has been lodged against the Council's refusal of planning permission for the erection of 3 No. Wind Turbines with associated structures at the above site. Permission was refused due to the location and scale of the proposed wind turbines, and it was considered that the proposed development would have a significant adverse visual impact on nearby residential occupants. It was further considered that the visual impact would be greater due to the cumulative effect of the existing wind turbines at Sharpley and the recently erected turbines at Great Eppleton.

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

Recommendation:

That the report be noted.
