



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

22 June 2010

3. APPLICATIONS TO BE DETERMINED

| NUMBER AND APPLICANT | LOCATION | PROPOSAL | RECOMMENDATION AND PAGE NO |
|---|---|--|------------------------------------|
| PL/5/2010/0092 Dalton Construction Ltd | Whitehouse Way, Peterlee | Erection of Two Three-Storey Office Blocks | APPROVE Page No. 1 - 8 |
| PL/5/2010/0144 Burns Architects | Castle Eden Studios Stockton Road Castle Eden TS27 4SD | Refurbishment and Extension of Existing Stores to Form Garage, Additional Storage and Studio Space | APPROVE Page No. 9 - 16 |
| 4/10/290/FPA Mrs N Nimmins | Henley House Whitesmocks Durham DH1 4LJ | Erection of 2 no. dwellings to south of existing dwelling including formation of new site access (revised and resubmitted) | REFUSE Page No. 17 - 33 |
| 4/10/308/TPO Mr R Tennant | Haslewood Vicarage Terrace Coxhoe Durham DH6 4AN | Felling of 1 no. Horse Chesnut including planting of replacement Horse Chesnut | APPROVE Page No. 34 - 40 |

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

| | |
|-------------------------------------|---|
| APPLICATION NO: | PL/5/2010/0092 |
| FULL APPLICATION DESCRIPTION | ERECTION OF TWO THREE-STOREY OFFICE BLOCKS |
| NAME OF APPLICANT | DALTON CONSTRUCTION LTD |
| SITE ADDRESS | WHITEHOUSE WAY, PETERLEE |
| ELECTORAL DIVISION | SHOTTON |
| CASE OFFICER | Philip Johnson 0191 5274332 philip.johnson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

- 1 The application site is an undeveloped site on the east side of Whitehouse Way in the South West Industrial Estate. It is an almost square piece of land, is generally flat with an unkempt grassy surface and extends to some 0.2 hectares.
- 2 To the north and south are existing industrial buildings and a stream known as Wapping Burn flows along the east side.

The Proposal

- 3 The proposal involves the erection of two, three-storey office blocks, with a total floorspace of 1094 square metres. They will be set towards the rear of the site behind their associated car parking and servicing facilities and the site will have a landscaped frontage to Whitehouse Way. A five metres wide strip alongside Wapping Burn at the rear of the site will be excluded from any development works.

Reason For Report

- 4 This application is being reported to the Committee because the proposal is categorised as a Smallscale Major Development, it involving the creation of between 1,000 square metres and 9,999 square metres of non-residential floorspace.

PLANNING HISTORY

None

PLANNING POLICY

5 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 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Guidance 13's (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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 North East of England Plan - Regional Spatial Strategy to 2021 - 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.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

7 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 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

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 53 - General industrial estates are designated for B1, B2 and B8 uses at Peterlee North East, Peterlee North West, Peterlee South West and Dalton Flatts, Murton. Retail will be allowed in accordance with policy 105.

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

CONSULTATION AND PUBLICITY RESPONSES

8 STATUTORY RESPONSES:

| | |
|---------------------|---|
| Parish Council: | No response. |
| Northumbrian Water: | No objections. |
| Natural England: | Proposal unlikely to have adverse effects on protected species; conditions suggested to cover protection of water voles and to require checking of site for breeding birds prior to development commencing. |

9 INTERNAL CONSULTEE RESPONSES:

| | |
|-----------------------|--|
| Highways: | Detailed requirements relating to construction and gradient of new access; parking facilities satisfactory; street lighting column will need to be moved; proposal acceptable. |
| Design: | Proposed buildings are of appropriate scale and reflect glazed element of adjacent building; good planting needed in front of boundary fence. |
| Regeneration: | No response. |
| Ecology: | Initial objection satisfied by submission of acceptable water vole survey; proposed 5m buffer strip alongside Wapping Burn should be fenced prior to work starting on site. |
| Tree Officer: | No objections subject to satisfactory landscaping scheme. |
| Environmental Health: | No objections. |
| Asset Management: | No response. |
| Policy Team: | Proposal in accordance with policies and guidance in development plan and with national planning advice. |

10 PUBLIC RESPONSES:

| | |
|-----------------------------------|--------------|
| East Durham Business Services: | No response. |
| Neighbours: | No response. |
| Press/Site notices: | No response. |

11 APPLICANTS' STATEMENT:

Dalton Construction are a local company who are rapidly expanding with projects across the country. This growth has seen the company require larger facilities, and it was important to Dalton Construction to maintain their North East roots and the proposed office development on the South West Industrial Estate in Peterlee is an accentuation of this vision.

Dalton Construction pride themselves on using local companies throughout their business and this was reiterated in their selection of a Darlington based architectural firm ADG Architects, who were recently commended at the LABC awards, to undertake the design.

The existing site is currently open wasteland between two existing properties and the proposed development includes two 3 storey office blocks. Dalton Construction are proposing to use one of the office blocks as their headquarters, which will accommodate the local and national building teams and in house mechanical and electrical engineering divisions, which will allow Dalton to expand their existing workforce and provide job opportunities to the region. The design is a traditional construction with an industrial style roof to blend in with the context of the area but providing luxury office accommodation.

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=108230>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The material considerations relevant to this application are:

- planning policy;
- design;
- effect on amenity;
- impact on protected species; and
- highways matters.

12 Planning Policy

The South West Industrial Estate in Peterlee is designated as a General Industrial Area within the District of Easington Local Plan, where business, general industry and warehousing and distribution are acceptable uses under Policy 53.

The applicant proposes the development of two three-storey office blocks, both of which are to be used for B1(a) office purposes. Consequently, this application conforms to the objectives of the local plan.

The Regional Spatial Strategy supports the regeneration and development of Peterlee for sustainable growth and encourages new economic activity of an appropriate scale in order to stimulate regeneration.

In accordance with Part (D) of Policy 38 of the RSS, major new developments of more than 10 dwellings or 1000m² of non-residential floorspace should, where possible, secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources. An appropriate condition to achieve this is included in the recommendation, below.

13 Design

The proposed buildings have been designed to visually link to the existing modern industrial context of their location but retain the appearance of office accommodation, using features present in the vicinity, notably the use of brickwork walls and cladding roofs.

In each building, the office facilities are wrapped around a communal reception and stairwell feature, the reception being formed by a glazed core which incorporates the entrance to the building. The core is set back from the front and side elevations so that the bulk of each building is broken up and the impact of the building reduced.

The front of the site will have a landscaped strip varying from 2.2 to 3.7 metres wide, behind which two separate car parking areas will form the forecourt area to the buildings. A 2.4 metres high green powder-coated security fence will enclose the rear part of the site.

14 Effect On Amenity

The application site is located in a prominent position in Whitehouse Way, which is the main entrance into this part of the South West Industrial Estate and to the Brackenhill Business Park. At present, the land has a somewhat unkempt appearance and the visual amenity of the area will benefit significantly from the addition of a smart new development.

It is considered that there will not be any adverse effects to the general or visual amenity of the area as a result of this development taking place.

15 Impact On Protected Species

This site lies adjacent to the Wapping Burn stream and is known to be a water vole habitat. The application contains a water vole survey and the report has resulted in the site layout being designed to include a five metres wide 'exclusion zone' alongside the stream, which will be left outside the new security fence and where no works connected with this proposed development will take place.

Natural England are satisfied that, on this basis, the development is unlikely to have any adverse effects on the water voles habitat and have also requested that the site be checked for breeding birds before any works are commenced on the development.

Suitable conditions covering these two aspects of the proposal are included in the recommendation, below.

16 Highways Matters

The new vehicular access from the site onto Whitehouse Way has been designed in accordance with advice given by the Council's Highway Section and the number of car parking spaces is well within the maximum that should be provided for the amount of office accommodation proposed.

The proposals are, therefore, considered acceptable from a highways point of view.

CONCLUSION

- 17 In summary, this proposal will focus economic growth in a sustainable location which will help to maximise regional economic growth and deliver regeneration. An underlying Council objective is the creation and growth of employment opportunities. This application if approved would have a positive impact on the Council's overall business strategy as it would allow modern premises to be built within a general industrial area. This conforms to the policies and guidance contained within the development plan (RSS and Local Plan) and national planning advice.
- 18 The design and layout of the site are considered to be appropriate in scale and appearance in this part of the South West Industrial Estate.

RECOMMENDATION

- 19 That the application be **APPROVED** 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 wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority. Plan Reference Nos. C.09.28 (9-) 1/A, C.09.28 (9-) 2/A (received 11/05/2010) and C.09.28 (00), C.09.28 (00) 2 (received 09/03/2010).
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
4. No development shall commence until a detailed landscaping scheme has been 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. Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, protection from rabbits where required, and replacement of failed plants, damaged stakes and ties.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

6. No development shall take place unless in accordance with the mitigation detailed in the protected species report "Water Vole Survey Report, Land At Whitehouse Way, South West Industrial Estate, Peterlee, Dalton Construction Ltd., May 2010 Durham Wildlife Services" and noted on the Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects, including but not restricted to, adherence to spatial restrictions (no works shall be carried out within 5 metres of Wapping Burn as per Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects); provision of mitigation in advance (fence to be erected as per Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects); adherence to precautionary working methods (no storage of materials/machinery within the 5 metres exclusion zone).
7. No works (including site vegetation clearance) shall be carried out on the site during the bird breeding season (March - end of August) unless otherwise agreed in writing with the Local Planning Authority and subject to an appropriately qualified person having undertaken a checking survey immediately prior to any works and confirming to the said Authority that no breeding birds are present.
8. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the said Authority.

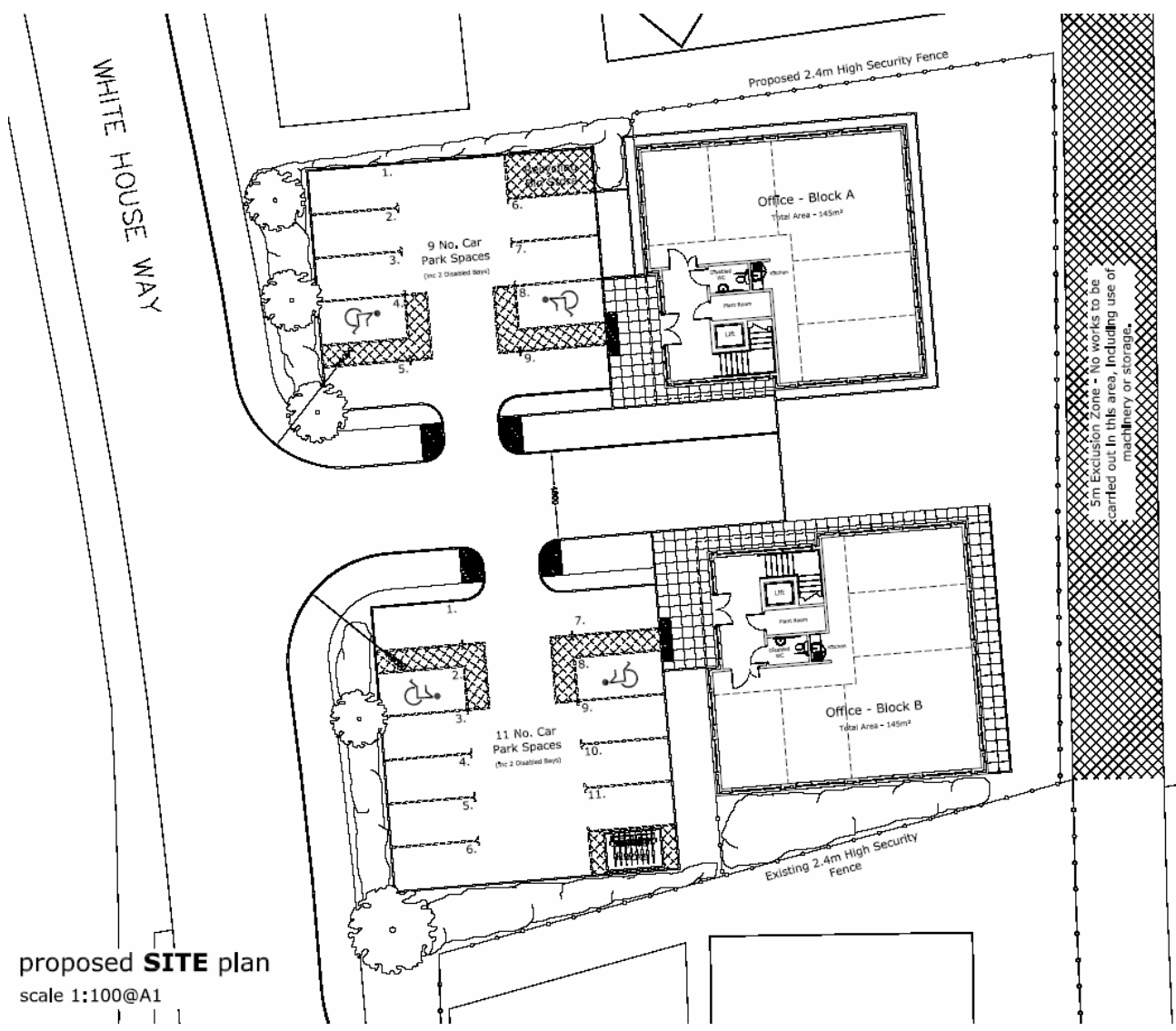
REASONS FOR THE RECOMMENDATION

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

| | |
|--|---|
| DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE | ENV18 - Species and Habitat Protection ENV35 - Environmental Design: Impact of Development ENV36 - Design for Access and the Means of Travel GEN01 - General Principles of Development IND53 - Existing General Industrial Estates PPG13 - Transport PPS1 - Delivering Sustainable Development PPS4 - Planning for Sustainable Economic Growth |
|--|---|
2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, design, effect on amenity, impact on protected species and highways matters.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



proposed **SITE** plan
 scale 1:100@A1

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

| | |
|-------------------------------------|---|
| APPLICATION NO: | PL/5/2010/0144 |
| FULL APPLICATION DESCRIPTION | REFURBISHMENT AND EXTENSION OF EXISTING STORES TO FORM GARAGE, ADDITIONAL STORAGE AND STUDIO SPACE |
| NAME OF APPLICANT | BURNS ARCHITECTS |
| SITE ADDRESS | CASTLE EDEN STUDIOS, STOCKTON ROAD, CASTLE EDEN TS27 4SD |
| ELECTORAL DIVISION | WINGATE |
| CASE OFFICER | Laura Eden 0191 5274613 laura.eden@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

Site

- 1 The application relates to a late 19th century brick lean-to building which forms part of a small courtyard of buildings. The site lies within the Castle Eden conservation area. This group of buildings is unassuming but of historic interest and all but this building have been converted to office use. This particular building runs along part of the site boundary, and faces in a north-westerly direction into the courtyard area. Similar to the rest of Castle Eden Studios it is accessed from Stockton Road.
- 2 A public house, the Castle Eden Inn, lies to the south east of the site, with residential development to the east and the Castle Eden Walkway to the north.

Proposal

- 3 Full planning permission is sought for the refurbishment and extension to the outbuildings at Castle Eden Studios resulting in the creation of three new studios in addition to garage and archive storage. The converted building will benefit from an extension to the north of the original barn measuring approximately 5.2 metres wide and 5.1 metres deep. The overall height of the extension would be approximately 5.7 metres and 4.2 metres to the eaves. Several new windows and doors including rooflights would be created in both the extension and the original building. The extension would be constructed from materials to match those of the original building

Reason for report

- 4 A local member has requested that the application be determined by the planning committee due to concerns that the development will have a negative impact upon the conservation area, on neighbouring properties amenities and issues surrounding car parking at the site.

PLANNING HISTORY

PL/5/2009/0304 - Refurbishment and extension to outbuildings withdrawn 18/09/2009

PL/5/2009/0384 - Refurbishment and extension to outbuildings approved 11/11/2009

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.

Circulars Circular 01/01: Arrangements for handling heritage applications - notification and directions by the Secretary of State and Circular 09/05: Arrangements For Handling Heritage Applications - Notification To National Amenity Societies Direction 2005 discuss arrangements for handling heritage applications that amend the existing Planning Policy Guidance 15 (PPG15). Circular Circular 01/07: Revisions to Principles of Selection for Listed Buildings contains revised principles for use in listing decisions to replace the existing paragraphs 6.1-6.40 of PPG15, which are revoked. The Circulars should be read in conjunction with this guidance

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 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>

7 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 16 - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.

Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.

Policy 19 - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.

Policy 22 - The character, appearance and setting of the conservation areas will be preserved and enhanced.

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

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

CONSULTATION AND PUBLICITY RESPONSES

8 STATUTORY RESPONSES:

Castle Eden Parish Council – No comments received

9 INTERNAL CONSULTEE RESPONSES:

Tree Officer –The trees are not worthy of a tree preservation order therefore no objection is raised in regards to the removal of the trees on the proviso that the Common Ash and Elder are checked for nesting birds and roosting opportunities.

Ecologist – No objections are raised in relation to bats following the submission of the risk assessment which surveyed the two trees to be removed and the building to be converted.

Highways Officer – No highways objection raised in relation to the proposal. Reference is made to the relatively short garage and restricted access to the front which may limit the garage to use by small cars, motorcycles, bicycles or storage. Following the additional information submitted the applicant has clarified a number of points in relation to car parking and the number of employees. Although this is helpful it does not change the original highways assessment for these proposals.

Conservation Officer – No objection is raised in relation to the proposal but it has been requested that a condition is added to control the appearance of the garage door. With regards to the removal of the trees it is not considered that they make any special contribution to the Conservation Area. It has been clarified that Listed Building Consent would not be required. It is considered that the proposed extension is of a sympathetic scale and design to the existing buildings and would not have a negative impact on the group. There would be no impact at all on the listed Castle Eden Inn itself.

10 PUBLIC RESPONSES:

The proposal was advertised by means of a press notice, site notice and by letter to neighbouring properties. At the time of the preparation of this report five letters of representation had been received concerning the impact upon the character of the conservation area and the listed building, land ownership, trees, wildlife and protected species, the extension not being in scale with original building, the extension being

overdominant and overbearing, possible future conversion and drainage issues. The consultation period for the press notice has not yet expired. Members will be given an update at the meeting, if any representations are subsequently received. Furthermore, it should be noted that the press consultation period expires four days after the date of Committee therefore delegated powers are sought to issue the recommended decision following the expiry of this period provided no further significant representations are received.

11 APPLICANTS STATEMENT:

The proposal is to refurbish the existing studio outbuildings and provide an extension to form a garage and additional studio and archive storage facilities for the Castle Eden Studios. The existing openings within the existing building will be retained and the existing clay pantile roof and facing brickwork will be made good. The extension will be constructed in matching reclaimed brickwork at ground floor level and stained timber boarding to the upper level to match timber detailing elsewhere within the Studio complex; external doors and windows will be in stained soft wood to match the main group of studio buildings. Standard rooflights are proposed within the roof slopes.

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=108506> 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

12 The main planning considerations with regard to this proposal are:

- Impact upon the conservation area and listed building
- Residential amenity
- Trees and ecology
- Highway safety
- Neighbour objections

Impact upon the conservation area and listed building

13 Originally an application was approved for the refurbishment and extension to an outbuilding at Castle Eden Studios as part of planning application PL/5/2009/0384. The main difference between the previous application and the current proposal is that the height of the extension roof has been raised to provide an additional studio room at first floor level. Overall it is considered that the changes are acceptable in the context of the impact upon the conservation area given that the building is inward facing into the courtyard. The impact of the development on public space is limited to a glimpsed side-on view through the current vehicular access point to the site therefore consequently the wider negative impact on the conservation area can be seen as minor.

14 In the conservation area appraisal the Castle Eden Studios have been designated as a visually important unlisted building which makes a contribution to the conservation area therefore any extension would need to be sympathetic to the character and appearance of the original buildings. The scale of the extension is considered to reflect that of the original building given that it does not exceed the established ridge height. As the extension is set well back within the site it is not considered that it has an overbearing or dominant impact on the street scene. Given that the materials of the extension are to match those of the original building no concerns are raised in this respect. The conservation officer has requested that a condition is added to the permission with regard to the garage door design so that timber is vertically boarded.

As the door is inward facing into the courtyard this condition is not considered necessary or relevant to the permission.

- 15 A concern has been raised by a local resident about the number of rooflights used within the conversion. When this issue was raised as part of the previous application the design officer noted that there would be no wider impact upon the conservation area given that they will only be seen from limited views and that there are already these type of windows present in the main building fronting onto the road.
- 16 The building to be converted is adjacent to the Castle Eden Inn which is a listed building. The listed building description denotes that the buildings to the rear of the site are not of special interest and given that the application site is outside the curtilage of the listed building it is not considered that a listed building consent application is required. Furthermore, as the proposed extension is of a sympathetic scale and design to the existing outbuildings within the complex it is not considered that it would have a negative impact on the group. Overall it is not considered that there would be any impact on the listed Castle Eden Inn itself.
- 17 The proposal has been fully consulted upon in terms of specialist design advice and it is considered that there are no objections to the proposal. As such, the proposals are considered to comply with the requirements of PPG15 Planning and the Historic environment, and Policy 22 of the District of Easington Local Plan.

Impact on residential amenity

- 18 A substantial letter of objection has been received from the occupiers of a property adjacent to the site, 'The Glade' at St. James Fields, and relates to the impact the development will have in terms of their amenity. To fully assess the impact of the development on the adjacent property a site visit has been conducted. From this visit it is acknowledged that the Castle Eden Studios occupies a higher ground level than the application site. Although the extension would bring the building closer to the shared boundary it is still situated some distance away from the house, in excess of 10 metres. Given that extension and the neighbouring property do not directly face onto one another it is not considered that the extension would be overly dominant or overbearing. Furthermore, the extension would not exceed the height of the existing building and the dual pitched roof also would help in reducing the building's prominence.
- 19 Several new windows would be inserted within the extension and their outlook would be in a north-westerly direction. These windows would not directly overlook into any part of the living accommodation of The Glade but would afford some limited views of the rear garden curtilage. Given that The Studios are open during normal office hours and that the windows would only be able to overlook some areas of the garden and not the house itself it is not considered that the level of amenity currently enjoyed by the occupants in terms of privacy of The Glade would be reduced to such an extent that would warrant refusal of the planning application.

Trees and ecology

- 20 The Council's tree officer has made a full assessment of the site and notes that two trees to be removed as part of the planning application are not worthy of tree preservation orders as they are not considered to contribute to the amenity value of the landscape. On this basis no objection is raised in regards to the removal of the trees. Following the submission of the applicant's tree survey the tree officer has again reiterated that he has no objection to the proposal on the proviso that the

common ash and elder are checked for nesting birds and roosting opportunities. An informative would be added to the decision notice to this effect.

- 21 Following the submission of the bat risk assessment it has been identified that there is low risk to bats as a result of the proposed works. The Council's Ecologist is satisfied with the survey work undertaken and is happy for the application to proceed.

Highway safety

- 22 Several concerns have been raised by neighbouring residents about the potential impact of the proposed development in terms of highway safety. The highways officer has been consulted and has no objection to the proposed development. Reference is made to the relatively short garage and restricted access to the front which may limit the garage to use by small cars, motorcycles, bicycles or storage. As the number of on site car parking spaces and number of workers will remain the same in addition to the potential for patrons to use the Masonic Hall car park opposite no concerns are raised about the garage potentially not being able to house a car. The highways officer has reiterated that the additional information submitted by the applicant does not change the original highways assessment for the proposal which is that the development is considered to be acceptable. Whilst it is noted that the Studios have permission to use the adjacent car park this cannot be taken into consideration as it may not be available in perpetuity. Notwithstanding this information, the application is considered acceptable in relation to the existing car parking levels on site.

Neighbour objections

- 23 The majority of the concerns raised by neighbouring properties have been covered elsewhere in this report.
- 24 The issue of land ownership has been raised and although this is not a planning issue the applicant was asked for clarification on the matter in response to residents concerns. The applicant has subsequently submitted additional information to confirm that they own the site. From a planning perspective as all the necessary certificates have been signed and confirmation has been provided to confirm that this information is correct, planning officers are satisfied that the application can proceed to be determined.
- 25 The issue of drainage has been raised however given the size of the development and that it is not located within a designated flood zone the applicant is not required to submit a flood risk assessment in relation to this matter. With respect to any future conversions these would need to be the subject of a planning application. The merits of the proposal would be assessed against planning policy at that time.

CONCLUSION

- 26 The extension would be located within the existing courtyard therefore the impact of the development on public space is limited to a glimpsed side view therefore its impact on the conservation area and adjacent listed building would be minimal. Although it is acknowledged that there will be a limited visual impact and some overlooking of the rear garden curtilage of the adjacent residential property it will not be to an extent that could justify refusal of the application. The Council's specialists in relation to ecology and trees are satisfied with the submitted documents. All other matters in relation to land ownership, drainage and future applications are not considered to be relevant.

- 27 As a result it is considered that the proposed development is in accordance with the intentions of the District of Easington Local Plan and in particular Policies 1, 22 and 35 as well as PPG15. Accordingly, the proposal is considered to be acceptable.

RECOMMENDATION

- 28 That delegated authority be given to the Head of Planning to APPROVE the application following the expiry of the consultation period, provided that no further significant adverse comments are received in the intervening time, 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. Location plan, Drg. No. 0918 No. 1A, Drg. No. 0918 No. 2, Rev C, Design and Access Statement all received 01/04/2010. Bat Risk Assessment, Arboricultural Report and additional information all received 17/05/2010.

REASONS FOR THE RECOMMENDATION

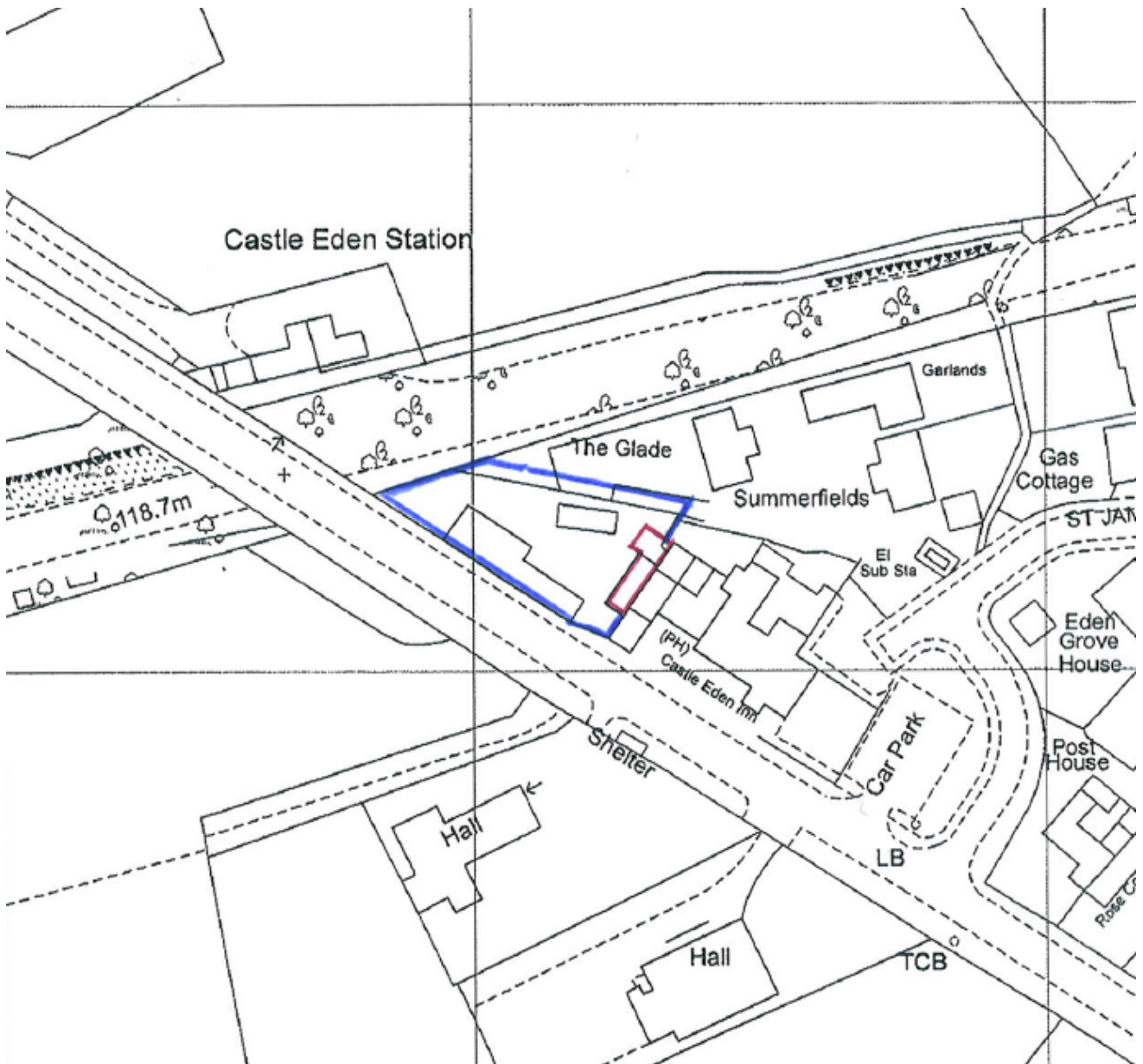
1. The development was considered acceptable having regard to the following development plan policies:

| | |
|------------------------------------|---|
| DISTRICT OF EASINGTON LOCAL PLAN | Env16 - Protection of sites of Nature Conservation Importance. Local Nature Reserves and Ancient Woodlands |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV17 - Identification and Protection of Wildlife Corridors |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV19 - Management of Areas of Nature Conservation Interest |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV22 - Preservation and Enhancement of Conservation Areas |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV35 - Environmental Design: Impact of Development |
| DISTRICT OF EASINGTON LOCAL PLAN | GEN01 - General Principles of Development |
| PLANNING POLICY STATEMENT/GUIDANCE | PPG15 - Planning and the historic environment |
| PLANNING POLICY STATEMENT/GUIDANCE | PPS1 - Delivering Sustainable Development |

2. In particular the development was considered acceptable having regard to consideration of issues in relation to impact upon the conservation area and listed building, trees and ecology, highway safety, neighbour objections and the wider impact of the proposal.
3. The stated grounds of objection concerning the impact upon the character of the conservation area and the listed building, land ownership, trees, wildlife and protected species, the extension not being in scale with original building, the extension being overdominant and overbearing, possible future conversion and drainage issues were not considered sufficient to lead to reasons to refuse the application.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | 4/10/00290/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of 2 no. dwellings to south of existing dwelling including formation of new site access (revised and resubmitted) |
| NAME OF APPLICANT: | Mrs S Nimmins |
| ADDRESS: | Henley House, Whitesmocks, Durham, DH1 4LJ |
| ELECTORAL DIVISION: | Nevilles Cross |
| CASE OFFICER: | Henry Jones, Planning Officer henry.jones@durham.gov.uk 0191 3018739 |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to the residential curtilage of the property Henley House. Henley House is a large detached property of part red brick and part painted rendered finish. Although not a listed building nor situated within a conservation area, the property exhibits much character dating from the early 20th Century and includes feature timber mullion windows and bays. The property itself is accessed directly from the A167 with a further pedestrian access via a gate several metres away to the south.
2. The residential curtilage is large, the majority of which is located to the south of the dwelling itself and it is to the south of Henley House that the proposed 2 no. dwellings would be sited. The boundaries of the application site are formed by timber fencing with further screening added by virtue of the presence of trees and hedgerows including mature trees beyond the application site which line the A167. Towards the centre of the site there are groups of bushes and shrubs together with tree stumps, remnants from trees previously removed, whilst adjacent to Henley House is a group of semi-mature trees including laurel, conifer and rosa.
3. The application site includes some changes in levels. The western section of the garden is set at a lower level and itself slopes down, quite gradually from the north towards the south. There is a more pronounced change in levels approximately midway into the site with the eastern half set on a higher plateau than the western section of the site. The change in levels is approximately 1.2metres – 1.5m. This higher eastern plateau of the site was formerly used as a tennis court but is now a lawn.

4. The application proposes the erection of two detached dwellings referred to within the submitted application as “plot 1” and “plot 2”. The new development would be accessed via a new entrance and egress point directly onto the A167. This proposed access would be located opposite the plot 2 dwelling and would fork to the north to provide access to the plot 1 dwelling. The submitted layout plan shows that Henley House itself will retain its own separate access and that there would be no through route between Henley House and the two new dwellings.

5. The proposed plot 1 dwelling would be sited nearest to Henley House and set significantly behind the front building line of Henley House. The plot 2 dwelling would be sited farther forward (west) than plot 1 with its front building line more closely aligned with that of Henley House.

6. The dwelling proposed for plot 1, sited nearest Henley House, would be a 6 bed detached property, essentially two storey but with accommodation within the roof space. The dwelling would have a double integral garage, porch and rear single storey offshoot providing family room and dining space. The rear (eastern) elevation of this offshoot would be largely glazed. It would feature a hipped roof profile with a ridge height of 9.5m and a width of 12.6m and length, including rear offshoot, of 14m. Two dormer windows are proposed on the rear roof slope together with several rooflights on rear and side roof slopes to provide light to the roof accommodation.

7. Plot 2 would comprise a 5 bed property with one ground floor bedroom, a single integral garage and porch to the front. To the rear of the property both a patio and gazebo siting space are proposed. The plot 2 dwelling would have a width of 15.2m, length of 13.7m (including gazebo space) with a ridge height of 7.9m incorporating a hipped roof profile. The application has been submitted on the basis that the applicant seeks to reside within the Plot 2 premises once the development is complete.

8. Both properties seek to make architectural reference to Henley House itself and feature bay windows and hipped roof profiles which seek to provide new dwellings which compliment the early 20th Century appearance of Henley House and other properties in the vicinity.

9. This application is being reported to Committee at the request of a local ward councillor.

PLANNING HISTORY

10. The host property has a lengthy history of previous planning applications. The host property was previously known as York House and planning permission for firstly a car port in May 1974, and then a double garage, parking area and formation of a new access was granted in September 1974. An earlier application for the formation of a new access and creation of a private car park was refused on the grounds of it being harmful to highway safety in July 1974.

11. Once the host dwelling became known as Henley House, a single storey extension to the side of the property was approved in March 1980 and a double garage and new vehicular access approved in July 1988.

12. Planning permission was also granted in January 1987 for the erection of a single dwelling and garage within the garden of Henley House though this development was never undertaken. This application was initially refused by the Local Planning Authority on the grounds that the sub-division of the large garden plot would set a precedent and would be to the detriment of the character of the area, that the proposal would detract from the setting and amenity of Henley House and the proposed dwelling would adversely affect the privacy and amenity of neighbouring occupiers. However, following an appeal the Planning Inspector overturned this decision and allowed the appeal subject to conditions including the submission of a landscaping scheme and erection of fence to overcome some privacy concerns.

13. In 2009 an application for the erection of 2 no. dwellings was withdrawn. The application was withdrawn following officer objection to several aspects of the development including impact upon residential amenity, impact upon the character and appearance of the area and objection to the design of the individual dwellings themselves.

PLANNING POLICY

14. NATIONAL POLICY:

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

Planning Policy Statement 3: Housing 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 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Statement 25: This PPS explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change. Flood risk should be considered on a catchment-wide basis and where necessary across administrative boundaries, assuming the use of flood plains for their natural purpose rather than for inappropriate development. The PPS says that susceptibility of land to flooding is a material planning consideration that the Environment Agency has the lead role in providing advice on flood issues, and that developers should fund flood defences, where they are required because of the development. It introduces a risk-based search sequence giving priority to sites at lower risk and establishes a minimum standard of defence for new development that takes account of the likely impact of climate change.

15. LOCAL PLAN POLICY:

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

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

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

Policy T19 (Cycling) seeks to encourage a safe, attractive and convenient network of cycle routes.

Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

Policy U9 (Watercourses) states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.

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:-

National Planning Policy

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

Regional Planning Policy

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

Local Plan Policy

<http://www.cartoplus.co.uk/durham/text/00cont.htm>

16. STATUTORY RESPONSES:

The County Highway Authority has been consulted on the application and considers that vehicle turning movements can be safely carried out on and off the A167. The access proposed is 4.1m wide and would cater for two vehicles to pass and therefore be unlikely to cause delay to vehicles turning into the site. The location of the new access, however, would require the movement of a street lighting column. The new access should be formed to the appropriate Durham County Council standards.

17. INTERNAL CONSULTEE RESPONSES:

The Design and Historic Environment section have been consulted on the application and consider that the elevations of the dwellings are generally acceptable, however, the roof of the plot 1 dwelling is too high and should be reduced. Design officers are concerned with regards to the relationship between the three dwellings on the same plot, the impact of the plot 1 dwelling upon Henley House and the impact of the plot 1 dwelling upon the plot 2 dwelling. The space around Henley House is considered important and encroaching into this space is considered to have a harmful impact upon the setting of the house and the surrounding area.

The Landscape officer considers that the submitted tree report provides inadequate information to accurately assess the impact of the development upon the trees. The tree report surveys the trees but fails to consider the impact that the development will or will not have on the trees due to the construction works. In the absence of this information and the absence of a tree plan including root protection areas support cannot be provided towards the development.

The local ward member Councillor Holland, in his request that the application be determined at Committee, considers that the primary areas of concern with the application is overdevelopment of the site, loss of privacy for adjacent occupiers and potential highway safety issues due to the access/egress arrangements.

18. PUBLIC RESPONSES:

A total of eleven letters of representation have been received with regards to the proposal all raising objections to the proposed development. The main points of objection are as follows:

Highway Safety

Much concern relates to the proposed new access being formed directly onto the A167. Such a point of access onto such a busy road is considered hazardous and this is indicated by the white hatching on the road at the point of access/egress. Egress from the site is considered dangerous with fast moving traffic converging from a dual carriageway, turning right towards the north worse still. Entry into the site is also considered very dangerous as, if turning right into the site, a driver will have to wait in the middle of the road for a suitable gap in the fast flowing traffic and the risk of a crash from one vehicle hitting the rear of another is considered to be increased through the proposed access. The revised access is directly opposite an existing access to the property of one objector, exacerbating the issue.

Many properties have existing accesses onto the A167 which many motorists are unaware of and this adds further to this stretch of the road being hazardous.

Further concern relates to the location of a lamppost at the proposed access point and that this will hinder driver visibility and also be a danger to pedestrians and cyclists. Further waste collections as a result of the new dwellings will cause further obstructions on the A167 whilst the vehicular movements associated with the two new dwellings which further add to the traffic problems on the A167.

One objector points out that they are not aware of any plans to alleviate the traffic problems through the use, for example, of traffic islands and this development will add new and “insurmountable” safety problems.

Insufficient parking space is also considered to be provided for such large dwellings.

Impact of the Development Upon the Character of the Area

The proposed new dwellings would be “shoe horned” into an established garden plot to the detriment of the area, local residents and housing values. The local area is considered to be characterised by medium to large properties with spacious gardens and this proposal will have a detrimental impact upon that character contrary to Policy H13 of the Local Plan.

The development requires the loss of trees to facilitate the development and the loss of so many trees is considered to spoil views for nearby residents and harm the local character of the local area. One objector states that should approval be granted to the scheme then measures to ensure that trees are protected during the construction process particularly those adjacent to the A167.

Although the site may constitute “brownfield land” the site is certainly not an eyesore and one which should be put to better use than this development.

The proposed dwellings are considered unsympathetic to the area, dissimilar to the period properties in the locality and better suited to a modern housing estate.

Impact Upon Residential Amenity

The proposed dwellings are considered to overlook neighbouring properties on Springwell Road. The site is set at a higher level than the properties on Springwell Road causing overlooking and if the dwellings are set on the highest land within the site which contains a change in levels, this impact will be exacerbated. Loss of privacy will result to the main rooms of some neighbouring properties and to garden areas.

The two new dwellings will cause extra noise and disturbance such as the comings and goings of cars as well as the creation of pollution harming the environment.

Should the new dwellings be bounded by new 1.8m high fencing, due to the change in levels this fencing set on higher ground will cause a loss of light to neighbouring property.

Submitted Plans and Documents

There is general objection towards the submitted plans considering them to be unclear and difficult to understand.

More specific objection is raised to the lack of cross sections and plans which clearly indicate at what level on the land the houses are to be set.

The submitted tree report is not considered to be thorough and includes missing pages whilst further reports from highways, the water board and a land survey are not included.

It is considered unclear as to whether the access road to the two new dwellings is a dead end or access can be gained through to Henley House. The submitted layout plan also indicates a new 3.4m private driveway but there is no indication as to its situation or where it will enter the site.

Some objection is raised to the submitted Design and Access Statement considering that the claim that there are loft conversions in the area is inaccurate, the site is not rectangular as described, disagreement is made to the statement that the area has no particular sense of place or purpose. The claim of need for regular garden maintenance is not considered a justification to develop the garden plot. The Design and Access Statement considers that there is no evidence of a nearby watercourse, yet residents understand there to be underground springs in the area.

Further objection is raised to the statements within the Design and Access Statement on the sections regarding the street pattern, the analysis of the local land uses including the age of properties and description of the local architecture. The Design and Access Statement considers that the amenities of local residents will be preserved and this is challenged by an objector. The assertion that the development will not impact upon the area and will only add to the continuing enhancement of the area is considered misleading.

The submitted application form is considered to falsely declare the number of bedrooms within the proposed dwellings, whilst the application form states that development has not started when one objector states that trees were removed to facilitate the development in August 2009.

Drainage and Flooding

Drainage is considered a problem in the area with runoff water from Henley House previously accumulating in the basements of neighbouring properties. The new development will make such matters worse.

The area is a natural spring area and disturbance as a result of the construction work could cause flooding in the area.

Other Objections

The proposal is considered contrary to the requirements of Policy H10 of the Local Plan (Backland and Tandem Development).

Reference is made to a previous application to erect a single dwelling within the application site in 1985 which the Council refused. The Council refused this application on the grounds that the development would result in the subdivision of an attractive garden plot and this could create a precedent to the detriment of the character of the area, that the development would detract from the setting and amenity of Henley House and the dwelling would harm the amenity of neighbouring occupiers.

A further objection is raised that approval of this development would set a precedent for others.

The tree report should have been carried out prior to the felling of the trees which has previously occurred on the site.

19. APPLICANTS STATEMENT:

The submitted Design and Access Statement considers that the proposed development would complement the well established neighbourhood and the development of the site is considered to be an enhancement, reinforcing the existing improvements and investments being made in this area.

The proposed dwellings fit the plot with an appropriate plot ratio and the orientation of the existing house lends itself to the proposed arrangement. The proposed dwellings are considered to provide a balanced frontage to the street.

The access has been discussed with the County Highway Authority and the local roads can cater for the additional traffic movements whilst adequate parking is provided within the curtilages but good access to public transport is available.

Trees are to be retained wherever feasible and a tree report is submitted within the application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00290/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

20. The main planning issues to consider in assessing this applications are whether the principle of the development is acceptable at the location, the impact of the development upon the character and appearance of the area, impact upon the residential amenity of local residents and the occupiers of the development, impacts upon trees, highway safety and flooding.

Principle of the Development

21. The proposal seeks to erect 2 no. dwellings within the residential curtilage of a property within Durham City. Policy H2 of the Local Plan relates to new housing within Durham City and accepts the principle of the windfall development of previously developed land within the settlement boundary provided that the development meets other relevant policy criteria.

22. The application site is located within the settlement boundary of Durham City and by virtue of being the private residential curtilage of Henley House constitutes previously developed land. As a result residential development at this location is acceptable in principle in accordance with Policy H2 of the Local Plan.

23. One letter of objection considers that although the land may constitute previously developed or "brownfield" land, the land is not an eyesore and should be put to better use than this residential development. National and Local Plan guidance, however, makes no

distinction between the qualities of differing previously developed sites as such. When dealing with the matter of principle, provided the land is previously developed and is located within a settlement boundary, the prospect of residential development can be considered an option.

Visual Impact and Impact upon the Character of the Area

24. Policy H13 of the Local Plan states that planning permission will not be granted for developments which would have a significant adverse effect upon the character or appearance of residential areas whilst Policy Q8 requires all new residential development to be appropriate in scale, form, density and materials to the character of its surroundings.

25. The proposed dwellings themselves make architectural reference to an early 20th Century style with feature bays and leaded porch roofs and dormers whilst the inclusion of chimneys, often missing from more modern properties, helps further create a more traditional character suitable to the area. The finer aspects of design and treatment of elevations of the dwellings themselves is considered an improvement on the previously withdrawn application of 2009 within which the proposed dwellings lacked local design references. However, concern is raised from the Council's Design and Historic Environment section that the plot 1 dwelling has an excessively high roof and that this should be reduced.

26. One letter of representation included objection to the appearance of the proposed dwellings and that they would be unsympathetic to the surrounding period properties. However, as stated above the Local Planning Authority considers that the proposed dwellings do make architectural references to the surrounding area and that this is, on the whole, successful.

27. The proposed layout and siting of the dwellings raises strong concern and the impact that this will have on the character and appearance of the area. The local area is in part characterised by the clearly defined and uniform front building lines of properties which are adjacent to the A167 in this particular part of Durham. Henley House itself, and 'Irishfree' the detached property to the north and the semi-detached properties to south on Springwell Road closest to the A167, share a very uniform building line adjacent to the A167 and are all set back a similar distance from the highway. This sense of uniformity is continued on the opposite side of the road with "The Villas", "Hartford" and the semis starting at No. 8 Whitesmocks sharing this straight and defined building line.

28. A second key component of the character of the area is the sense of space, large curtilages and the relatively low density of housing in the immediate area. The need to design development of the same density and form as the surroundings is a key criterion within Policy Q8 of the Local Plan. 'Henley House' itself stands within spacious grounds. 'Irishfree', and 'Crossways' to the north similarly benefit from space around them with further open and green spaces dividing Hartford and The Villas on the eastern side of Whitesmocks. Only the semi detached properties on Whitesmocks and Springwell Road exhibit slightly more intimate relationships.

29. This proposal, however, seeks to place two large detached properties, one five bed the other 6 bed into a relatively narrow frontage adjacent to Henley House. The plot 1 dwelling is located just 3.2m from the side elevation of Henley House whilst the plot 2 dwelling is located closer still to the plot 1 dwelling at only 2metres separation. In order to ease the impact of this proximity to one another and allow adequate light and outlook for the

southern elevation of Henley House, the plot 1 dwelling is set some 9.8m farther behind the front building line of Henley House. The plot 2 dwelling is set farther forward again more aligned with Henley House.

30. The result of this arrangement is an irregular layout and disruption to the uniformity of building lines within the local area with the plot 1 dwelling set awkwardly behind the adjacent properties. Public objection received with regard to the proposal included objection to the new dwellings being “shoe horned” into the plot and the development being out of character with the area which is characterised by medium to large properties set in spacious gardens. The Design and Historic Environment officer has raised similar concerns within their consultation response.

31. Officers agree with these objections. The development proposes two new and one existing large detached property to share an existing single plot of land. The result is a development of a compromised layout tightly spacing the dwellings and using a contrived irregular building line in an effort to ease the impact of one dwelling upon the other. It is therefore considered that the proposal by reason of its form, layout and density causes an adverse impact upon the character and appearance of the local area contrary to Policies H13 and Q8 of the Local Plan.

32. Potentially the harm to the character of the area could be exacerbated by the irregular ridge heights of the dwellings. Henley House has a ridge height of 8m whilst the proposed plot 1 dwelling has a ridge height of 9.5m and the plot 2 dwelling only 7.9m. The land slopes north towards the south. However, the difference in height between Henley House and Plot 1 of 1.5m is so significant that despite the gradual change in levels from north to south the plot 1 dwelling would likely be higher than that of Henley House. This would create the rather awkward appearance of the middle property being the highest in the street scene despite the land gradually sloping from north to south. This impact remains difficult to judge precisely, due to the absence of any cross sections or elevations of the three properties shown together being submitted within the application.

33. It is acknowledged that sections of the application site are screened by virtue of the trees lining sections of the street. However, the proposed new dwellings and Henley House will still remain visible particularly when further trees and shrubs are removed from the site to facilitate the development and during the winter months when there is less leaf and shrub coverage. Therefore the limited screening afforded by the soft landscaping in the area is not considered to adequately mitigate the harm to the character of the area.

Impacts Upon Residential Amenity

34. Policy Q8 of the Local Plan requires that all residential developments provide each dwelling with adequate privacy and amenity and also minimise impact upon the neighbouring occupiers. Policy H13 of the Local Plan states that planning permission will not be granted for developments which have a significant adverse effect upon the amenities of local residents.

35. Policy Q8 of the Local Plan provides some guidance on adequate separation distances between dwellings in order to ensure adequate amenity. Between facing windows 21m should remain, between a window and a blank two storey gable 13m separation should remain whilst between a window and a single storey gable 6m should remain. Main rooms should also receive adequate sunlight and daylight.

36. The southern elevation of Henley House includes reception room and bedroom windows which would directly flank the gable of the plot 1 dwelling at close proximity and well below the 13m guideline presented by Policy Q8. However, it is noted that the affected reception and bedroom both have more than one window and the other windows would retain their outlook. As a result the concern raised by the proximity of Henley House and the plot 1 dwelling is eased.

37. However, officers are concerned at the degree with which the plot 1 dwelling projects farther to the rear than the plot 2 dwelling. The plot 1 dwelling is set some 6.3m farther back at two storey height than plot 2. It is considered that a dwelling of 9.5m in height set within close proximity to rear elevation windows to living room and bedroom and extending 6.3m farther to the rear would create an overbearing impact upon the occupiers of the plot 2 property. It is acknowledged that the application has been submitted on the premise that the applicant would reside within the plot 2 dwelling on completion of the development and that they are satisfied with the relationship and the mitigating impact of the external gazebo space. However, the Local Planning Authority must take into consideration the other future occupiers of the property and apply a consistent approach of requiring high standards of design and amenity in all new residential development. As a result the relationship between the plot 1 and plot 2 houses is not considered to provide adequate amenity for the occupiers of plot 2 and this is considered contrary to the requirements of Policy Q8 of the Local Plan.

38. The main objection local residents have with regards to the impact of the development upon residential amenity is the feeling of being overlooked and a loss of privacy occurring. The full scale of this impact is considered more difficult to judge by local residents due to the absence of cross sections or of detail within the submitted application which identifies at precisely what level on the land the new dwellings are to be sited. If the dwellings are to be sited on the higher land on the eastern section of the site, local residents consider this overlooking would be exacerbated.

39. Officers agree that in the absence of cross sections or elevations showing how the properties would sit on the land, an accurate assessment of the impact upon some neighbouring occupiers is difficult to determine. Requests for further information and submissions with regard to this matter have been made to the applicant's agent during the course of the application but at the time of completion of this report none have been received. Of particular concern is the impact of the proposed new dwellings on properties to the immediate south – Nos. 36 and 34 Springwell Road and immediate east No. 26 Springwell Road.

40. Even without this additional information it is considered that the proposed plot 1 dwelling would result in a loss of privacy for the occupiers of No. 26 Springwell Road who have objected to the proposal on the grounds of a loss of privacy. Policy Q8 considers that a separation distance of 21m between facing windows should provide adequate amenity. However, distances from the ground and first floor of the rear elevation of the plot 1 dwelling to the nearest ground and first floor windows within No. 26 Springwell Road fall short of this at approximately 19.5m. In addition distances to the rear garden space of No. 26 Springwell Road are less still at approximately 15m at the nearest point. As a result the feeling of overlooking and a loss of privacy which the occupiers of No. 26 Springwell Road have described is considered to be justified and merits refusal of the application.

41. Some objection has been raised from local residents towards the increase in noise and disturbance s through additional car movements caused by the development and indeed additional pollution. However, the officers consider that the comings and goings associated

with only two new dwellings, albeit large dwellings, within an already urban environment where a degree of noise would already be expected would not cause any additional harm to residential amenity warranting refusal. The potential pollutants emitted by the new residents and their vehicles is similarly not considered significant enough to warrant refusal for these reasons alone.

42. Some concern has been raised with regard to the impact that the erection of new high timber fencing may have upon light into properties, again bearing in mind some changes in levels on site. However, appropriate means of enclosure or the removal of permitted development rights to erect such enclosures could be resolved by way of suitable conditions attached to any approval.

Highway Safety/Issues

43. Much public objection to the proposed development has been with regard to the creation of a new access onto the busy A167 and the impact of two more dwellings and associated vehicular movements in the area. Such a location for a new access is considered by objectors to be hazardous, for vehicles both leaving the new development and entering into the site, since this will involve crossing fast moving traffic. In addition the new development is considered to add further to existing congestion problems, the threat to drivers, pedestrians and cyclists, cause further parking problems in the area and cause disruption through the collection of waste and refuse.

44. The County Highway Authority have been consulted on the application and have considered the access and egress arrangements, impacts upon the A167 and parking provision. No objections to the proposal have been raised. The submitted plans indicate an access which is 4.1m in width which would cater for two vehicles to pass and therefore be unlikely to cause delay to vehicles turning into the site. Turning movements onto the A167 are also considered to be safe. A lamppost would require movement, however, to facilitate the development, the current location of which was a concern to a local resident. The access must be constructed to the applicable County Council standards.

45. Ample parking is considered to be provided for each new dwelling taking into consideration the integral garages and driveway lengths available to each dwelling.

46. On balance and taking into consideration the comments of the County Highway Authority, the proposed development is not considered to cause harm to highway safety nor to the local cycle way which runs along the A167 in accordance with the requirements of Policies T1 and T19 of the Local Plan.

Impact Upon Trees and Hedgerows

47. Policy E14 of the Local Plan requires all developments which will have an impact upon trees within or adjacent to application sites to be submitted with a full tree report and seeks to ensure that important trees or groupings of trees are retained. Similarly Policy Q8 of the Local Plan identifies trees as a site constraint and considers trees and hedgerows to be valuable, adding maturity to new developments.

48. The loss of trees at the site has been a concern of some local residents and the impact that this will have on area and views of local residents. A view as such is not a material planning consideration but more broadly the impact of trees being removed on the character of a local area is a planning consideration.

49. The application site contains several trees including mature trees with further important trees located just outside the application site lining the A167 which play a very important role in defining the relatively green character of this part of the City. A tree report has been submitted within the application, however, the submitted report presents insufficient information. The Council's landscape architect has been consulted on the application and considers that the tree report surveys the trees but fails to consider the impact that the development will or will not have on the trees due to the construction works. In the absence of this information and the absence of a tree plan including root protection areas support cannot be provided to the proposed development.

50. Taking into consideration the absence of the necessary detail in relation to trees, the maturity and quality of some of the trees within and adjacent to the site, it is considered that the application has failed to accurately depict the impact of the proposed development upon trees of value which must be considered a site constraint. As a result the proposal is considered contrary to the requirements of Policies E14 and Q8 of the Local Plan.

Drainage and Flooding

51. Some letters of objection considered that drainage is considered a problem in the area with runoff water from Henley House previously accumulating in the basements of neighbouring properties. The fear is that the new development will make such matters worse.

52. Potentially, the new dwellings would create more of a barrier to the run-off water which residents state has previously travelled across the garden areas of Henley House and caused flooding. The increase in hardsurfacing could also cause a problem with the speed at which water travels down the slopes from north to south. However, conditions requiring more permeable surfaces or the use of drains could be attached to any approval which would help avoid the problem exacerbating.

53. Further public concern relates to the area being a natural spring area (hence the name Springwell Road) and that the disturbance to those springs through the construction process could create localised flood problems. The agent has previously been requested to provide a study into this matter and an investigation into this potential problem. The submitted Design and Access Statement states that a site investigation is to be undertaken and engineers have been appointed. However, no such report or investigation has been submitted within this application to provide assurances that the development will not affect the underground springs.

54. Policy U9 of the Local Plan states that developments which may directly affect watercourses shall only be granted planning permission when it shall not result in the increased risk of flooding. In the absence of any submitted report to provide assurances that the development will not affect the underground springs, the application has not demonstrated that no increase in the risk of flooding will result contrary to the requirements of Policy U9 of the Local Plan.

Submitted Plans and Documents

55. Some objection has been raised with regard to some details and declarations within the submitted application. Many points relate to considered inaccuracies in information within the application forms such as the number of bedrooms proposed in the dwellings and objection to statements within the Design and Access Statement on matters such as the

evaluation of the local streetscape, topography of the site and impact upon the amenity of local residents.

56. However, the levels of information provided within the application form and Design and Access Statement was deemed adequate to consider the application valid but it is noted that the declaration of the number of bedrooms within the dwellings, for example, is contrary to the submitted plans. The descriptions and statements within the Design and Access Statement form the opinion of the architect upon the development and its likely impact and, to a degree, this is a subjective view. The key material planning matters such as the acceptability of the access, visual impact and impact upon residential amenity which the Design and Access Statement discusses are evaluated by officers within this report to provide a balanced conclusion.

57. Some pages were originally missing from the submitted tree report. During the course of the application further information was provided although no tree plan as such has been received. Nevertheless the Council's landscape architect assessed the submitted detail and this is considered in the above section regarding trees and hedgerows.

58. In agreement with several objections, officers have concerns about the lack of cross sections or adequate plans presenting the development on a site with differing levels. Similarly there is a lack of investigation into the impact of the development upon the underground springs. Both these matters are discussed in more detail within the sections on residential amenity, drainage and flooding.

59. One objector considers further reports from the Highway Authority and the water board should have been submitted but no more information regarding these matters is considered necessary for officers to come to a reasoned conclusion on the application.

Other Considerations

60. Reference is made by a local resident to a previous planning application for the erection of a single dwelling on the land in 1985 which was refused by the Council. However, Planning permission was later granted following an appeal.

61. Officers have taken into consideration the Council's previous decision and read the appeal decision which granted planning permission. However, this previous application was some 25 years ago and can be attributed only limited weight. This recommendation has been made on the basis of the current Local, Regional and National planning guidance.

62. One objection considers that the proposal is contrary to the requirements of Policy H10 of the Local Plan (Backland and Tandem Development). However, this policy defines backland sites as those to the rear of existing houses, such as back gardens, or garden/garage plots across a back street behind existing housing and tandem development as one house to the rear of another, sharing the same access. As this development involves new housing adjacent to the side of an existing house and involves the creation of a new access, Policy H10 is not considered to be strictly relevant to this proposal.

63. One objection included a reference to the potential impact of the development upon local property values; however, the impact of a development upon property values is not a material planning consideration.

CONCLUSION

64. The application site constitutes previously developed land within the settlement boundary of Durham City. As a result, the principle of residential development can be considered acceptable. However, this proposal seeks to place two large detached properties on the site, which is constrained by its proximity to other dwellings, trees, and the donor house itself, local topography and the spacious and relatively green character of the local area. The result is a heavily compromised scheme which fails to respect the local character of the area and would result in some overlooking and loss of amenity to residents. In addition to this the submission fails to accurately address some key matters – the impacts of the development upon trees, the siting and impact of the dwellings on a site with changing levels and the impact of the development upon a local watercourse. As a result support to the proposal cannot be given and refusal is recommended.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed development by reason of the proposed layout, form and density would be out of character with the local area. The site surroundings are in part characterised by the defined and uniform buildings lines and low density residential nature of the area with large dwellings being set within large, spacious curtilages including Henley House itself. This development would result in the creation of an irregular building line and the development of two large detached properties within close proximity to one another and Henley House, with the plot 1 dwelling sited uncomfortably behind and between Henley House and the plot 2 dwelling. As a result, the development is considered to create an adverse impact upon the character of the local area contrary to the requirements of Policies Q8 and H13 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the size, proximity and siting of the plot 1 dwelling some 6.3m to the rear of the plot 2 dwelling will create an unacceptable overbearing feature close to a shared boundary and cause a significant loss of outlook for the prospective occupiers of the plot 2 property to the detriment of their amenity. As a result the proposed development is considered contrary to the requirements of Policy Q8 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the application, in the absence of any cross section drawings or plans clearly identifying the proposed dwellings with regard to the topography of the land, fails to accurately demonstrate the impact of the development on the site.
4. The Local Planning Authority considers that the proposed plot 1 dwelling by reason of its proximity and location of windows within the eastern elevation will result in a loss of privacy to the ground and first floor living room and bedroom and rear garden space of No. 26 Springwell Road to the detriment of the residential amenity of the occupiers of that property. As a result the proposal is considered contrary to the requirements of Policies Q8 and H13 of the City of Durham Local Plan 2004.

-
5. The Local Planning Authority considers that the submitted tree report fails to demonstrate the impact of the proposed development upon the trees within and adjacent to the application site. The application site and areas adjacent to the site include mature trees and areas of important groups of trees which add to the character of the area. In the absence of an adequately detailed tree report and tree plan, the application fails to demonstrate the impact of the development upon these trees which must be treated as a site constraint. The application is therefore considered to be contrary to the requirements of Policies E14 and Q8 of the City of Durham Local Plan 2004.

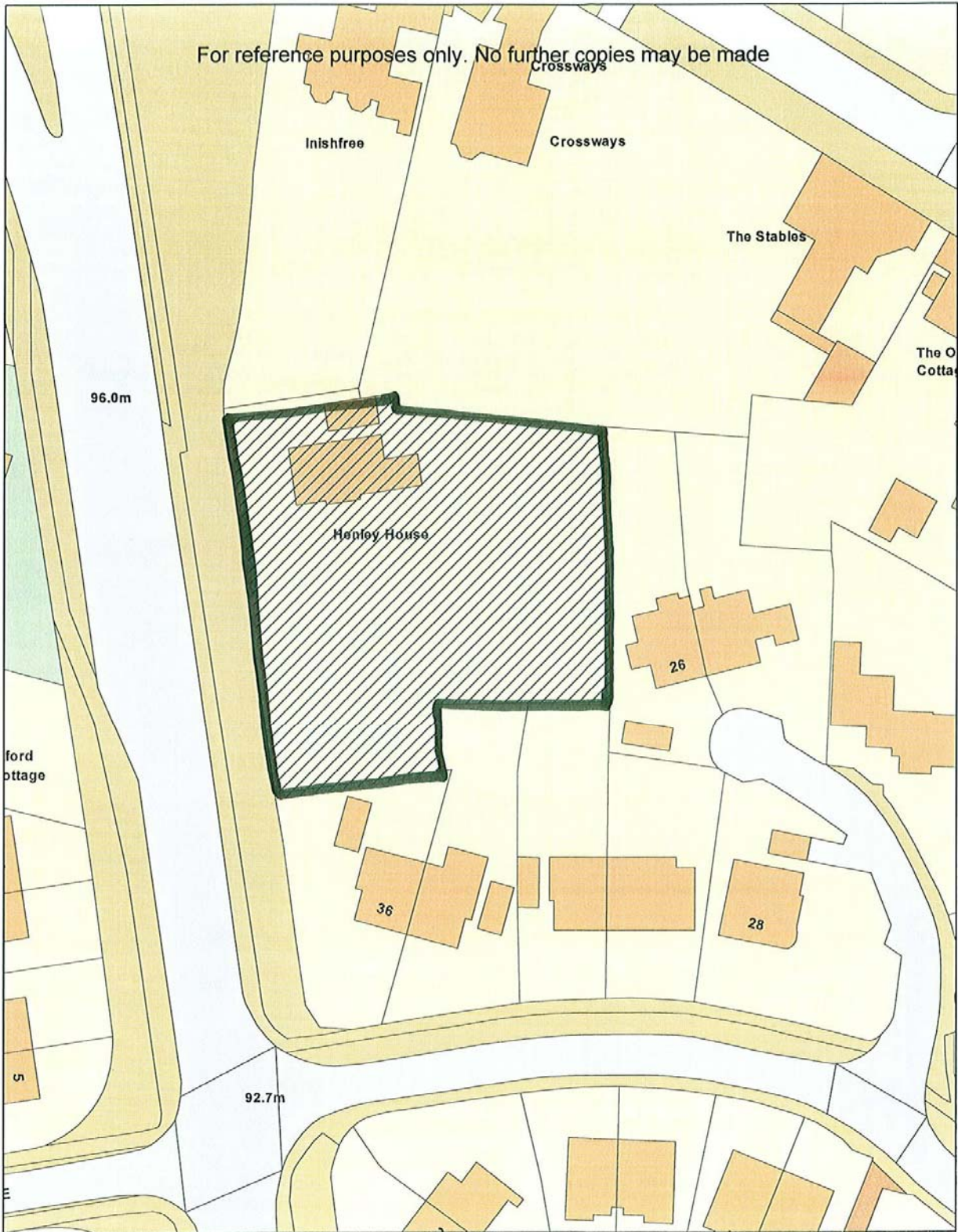
 6. The Local Planning Authority considers that in the absence of any investigation into the underground springs beneath the application site, the application has failed to demonstrate that the development will have no affect upon a nearby watercourse and therefore in turn fails to demonstrate that the application will not result in an increase in the risk of flooding. As a result the proposal is considered contrary to Policy U9 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms, Plans and information
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements 1, 3 and 25
Statutory and other consultee responses
Public consultation responses



For reference purposes only. No further copies may be made



Planning Services

4/10/00290/FPA - Henley House, Whitesmocks

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding
 Durham County Council (Durham City Area Office) Licence No. 100022202 2005.

Comments

Date

08 June 2010

Scale

1:625

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | 4/10/00308/TPO |
| FULL APPLICATION DESCRIPTION: | Felling of 1 no.Horse Chestnut including planting of replacement Horse Chestnut |
| NAME OF APPLICANT: | Mr R Tennant |
| SITE ADDRESS: | Haslewood, Vicarage Terrace, Coxhoe, Durham DH6 4AN |
| ELECTORAL DIVISION: | Coxhoe |
| CASE OFFICER: | Mr T Burnham, Planning Officer tim.burnham@durham.gov.uk 0191 301 8794 |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an area of land within the Curtilage of Haslewood which is a large detached house set back from Roman Road in Coxhoe to the south of Durham City. Haslewood has significant grounds which extend to the front and rear of the property. To the front, the garden is laid to lawn, with open access from the pavement. Four mature trees sit in a line running on a north east south east axis and are covered by a Tree Preservation Order. The two trees furthest north east are mature Horse Chestnut trees, T1 and T2.
2. T1 is a mature Horse Chestnut tree which lies furthest north east adjacent to the road. This tree is covered by a Tree Preservation Order PN1/352 and is the subject of this application. It is proposed to fell this tree due to it being infected with Phytophthora. It is proposed to replace with a heavy standard form Baumannii tree, which is a horse chestnut tree which does not produce conkers.
3. The application is reported to committee because Coxhoe Parish Council has objected to the application to remove the tree. They contend that the proposal would lead to the loss of a tree that contributes significantly to the visual amenities of this part of the village. Members of the Parish Council consider that the reasons for the proposed felling do not justify the tree's removal nor are they sufficient to outweigh the detriment to the environment the loss of this tree would cause.

PLANNING HISTORY

4. 4/10/00054/TPO: Felling of 2 no. Horse Chestnut trees and replacement with 2no. Mountain Ash trees: Refused. This application proposed to fell both Horse Chestnut Trees T1 and T2 due to their attraction to vandals and trespassers and their associated detrimental impact to the health and well being of the residents of the property and other residents in the locality. The application was refused as Officers considered that the trees contributed significantly in terms of amenity value to the area and that no satisfactory justification was made for their removal. Phytophthora was identified on T1 at this stage.

5. 96/00586/TPO: Pruning to trees T1-T4 within The City of Durham (Former Vicarage Coxhoe) Tree Preservation Order 1993: Approved. This work proposed a scheme of pruning to trees covered by tree preservation orders at the site.

PLANNING POLICY

6. 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 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

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

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 were judged most relevant.

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 33 (Biodiversity and Geodiversity) seeks to preserve and enhance Ecological and Geological assets.

Policy 36 (Trees, Woodlands and Forests) seeks seek to maximise the social, economic and environmental opportunities that trees present.

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 E14 (Trees and Hedgerows) requires development proposals to retain individual and important groups of trees where appropriate.

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

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

Coxhoe Parish Council has objected to the application to remove the tree.

10. INTERNAL CONSULTEE RESPONSES:

The Landscape section has assessed the tree and confirmed that it is suffering from Phytophthora Cactorum. It has offered no objection to the application providing that the tree is replaced with a Baumannii Horse Chestnut that does not seed in heavy standard form with girth of 12-14cm.

11. PUBLIC RESPONSES:

Coxhoe Parish Council has objected to the application. They contend that the proposals would lead to the loss of a tree that contributes significantly to the visual amenities of this part of the village. Members of the Parish Council consider that the reasons for the proposed felling do not justify the tree's removal nor are they sufficient to outweigh the detriment to the environment the loss of this tree would cause.

Five letters of objection have been received in relation to the application. Objectors are frustrated by the potential loss of a mature tree that provides a landmark in Coxhoe and the void in the appearance of the street which it could leave behind. Contributors suggest that it would be unfair to fell the tree just because it produces conkers. They also suggest that the Phytophthora disease that the tree is suffering from has a very slow onset and can in some cases recover itself. They suggest that the tree should be retained on site until the condition of the tree has deteriorated significantly enough to warrant its removal.

A 75 Signature petition has also been received objecting to the removal of the tree. The signatories have stated that they see the application as being a reaction to the production of conkers rather than removing a diseased tree and raise concerns over bat activity that they have witnessed around the tree.

As background information, a 25 signature petition was received in support of the previous application 4/10/00054/TPO. Signatories who live in the local area were concerned about the attraction that the trees pose to gangs of youths and subsequent vandalism and anti social behaviour. One letter of objection was received in relation to this application.

12. APPLICANTS STATEMENT:

The applicant has applied to fell the Horse Chestnut (T1) because it is diseased by Phytophthora. He proposes to re plant in the same place one tree of the species Baumannii of heavy standard form.

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_detailview.aspx?caseno=L21YNHBN01D00

PLANNING CONSIDERATIONS AND ASSESSMENT

13. Policy E14 of the City of Durham Local Plan states that applications affecting trees should aim to retain them both in groups and individually where appropriate.

14. The mature Horse Chestnut tree which is the subject of this application is of high amenity value and due to its prominent position to the front of the property is highly visible from surrounding view points up and down Roman Road. The tree contributes a large degree of character to the area and it is acknowledged that it could be considered a local landmark. Its loss would also inevitably be of detriment to the appearance of the street scene.

15. However, the tree is suffering from a pathogen which has been identified as Phytophthora Cactorum. Phytophthora is a pathogen which shows itself as drops of rusty gummy liquid which ooze through the bark from various areas of the tree. The pathogen then spreads through the tree eventually causing the death of limbs and branches throughout the crown. There are large areas of brown staining evident on the main stem and there are some small areas of deadwood to the crown and this is evidence that the pathogen has gained momentum throughout the trees vascular system. At the present time the tree is not considered dead, dying or dangerous, however it has the potential to become so. It is not possible to predict when the tree will become dangerous; therefore Officers recommend removal and replacement at this stage to alleviate future danger relating to the tree at the site. Officers consider these sufficient materials reasons which outweigh the detriment to the environment and loss of amenity the removal of this tree would cause.

16. By way of remediation a sturdy replacement Baumannii of 12-14cm girth is proposed to be replaced in the same position.

17. A previous application at the site for the removal of two Horse Chestnut trees (T1 and T2) cited that the reasons for removal were attraction that the trees posed to gangs of youths and subsequent vandalism and anti social behaviour associated with conker production. The concerns of contributors that the tree is to be removed due to the 'conker issue' are noted. Officers are recommending the removal of the tree due to its disease only. The problems associated with conkers at the site are experienced for a short period of the year only and Officers have been made aware of only 1 reported crime relating to the tree. They are not considered appropriate grounds for removal.

18. As discussed with the applicant, T2 the adjacent healthy horse chestnut tree is to remain in place at the site. Concerns relating to bats around the tree have been considered. In a tree of this condition while it is likely that bats would feed around the tree, it is extremely unlikely that bats would roost within it.

19. There is provision under planning legislation for the payment by the Local Planning Authority of compensation for loss or damage caused or incurred as a result of their refusal of any consent under the TPO.

CONCLUSION

20. The tree in question is suffering from the pathogen *Phytophthora Cactorum*. It is not currently dead, dying or dangerous, but has the potential to become dangerous. Officers therefore recommend removal of the tree which would be considered appropriate arboricultural practice in accordance with Policy E14 of the City of Durham Local Plan 2004.

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. The tree surgery hereby approved shall be carried out in accordance with the appropriate British Standard (BS 3998: Recommendations for Tree Work).
3. Notwithstanding details shown on the submitted application, the tree shall not be felled until a scheme showing a replacement planting has been submitted to and approved in writing by the Local planning authority. The stump shall be treated to prevent re-growth. Unless otherwise agreed in writing by the Local planning authority, the replacement tree shall be *Aesculus Hippocastanum* *Baumannii* of 12-14cm girth. This planting shall be carried out within 12 months of the felling of the tree hereby approved. The tree shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replacement in the event of failing within 5 years of initial planting, not later than the following planting season. .

REASONS FOR THE RECOMMENDATION

1. The removal of the tree which is suffering from *Phytophthora Cactorum* and has the potential to become dangerous is considered appropriate arboricultural practice in accordance with Policy E14 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).
2. In particular the development was considered acceptable having regard to the potential of the tree to become dangerous.
3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals accordance with relevant development plan policies combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1 & PPS9
Response from County Landscape Department
Response from Coxhoe Parish Council
Public Consultation Responses and Petition
Various file notes and correspondence



For reference purposes only. No further copies may be made



Planning Services

4/10/00308/TPO - Haslewood, Vicarage Terrace, Coxhoe

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council (Durham City Area Office) Licence No. 100022202 2005.

Comments

Date

08 June 2010

Scale

1:469

Planning Services

COMMITTEE REPORT

APPEAL UPDATE (EASINGTON AREA OFFICE)

1. APPEALS RECEIVED:

**Appeal by Mr Eddie Dinning on behalf of Mr C Watson
Site at 24, Sandwick Terrace, Wheatley Hill, County Durham, DH6 3LN**

An appeal has been lodged by the agent acting on behalf of the occupier and owner of 24, Sandwick Terrace against the Council's refusal to grant full planning permission for the erection of a first floor side extension (PL/5/2009/0489).

The extension comprised of a flat roof. In the opinion of the Local planning Authority, the design of the extension if approved, would have resulted in the introduction of an incongruous architectural feature out of keeping with the appearance of the semi-detached property and character of the area to the detriment of visual amenity.

It was also considered the approval of such a development would set an undesirable and unwanted precedent for the consideration of further applications of a similar nature to which the Local Planning Authority would also look to object to but may ultimately find particularly difficult to resist.

Accordingly, it was considered the proposed development would have an adverse and detrimental impact upon the appearance of the host dwelling, street scene and wider setting therefore contrary to the intentions of the Local Plan.

The appellant has appealed to have this decision overturned.

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.

2. APPEAL DECISIONS:

NONE

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

1. APPEALS RECEIVED:

Appeals by A Wilson

Site at Pine Lodge, Hartside, Durham, DH1 5RJ

An appeal has been lodged by Mr J Taylor against the Council's refusal to grant planning permission for the erection of a pitched roof extension to side of existing bungalow and erection of detached double garage to rear at Pine Lodge, Hartside, Durham, DH1 5RJ

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

Recommendation:

That the report be noted.
