



## **Area Planning Committee (Central & East Durham)**

**Date** Tuesday 2 June 2009  
**Time** 2.00 pm  
**Venue** Committee Room No. 2, County Hall, Durham

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### **Business**

#### **Part A**

1. Minutes of the Meeting held on 12 May 2009
2. Declarations of Interest (if any)
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
4. Appeal Update
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

#### **Part B**

#### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Lesley Davies**

Head of Legal and Democratic Services

County Hall  
Durham

**21 May 2009**

**TO: Members of the Area Planning Committee (Central & East Durham)**

Councillors A Bell, J Blakey, J Brown, P Charlton, J Cordon, D Freeman,  
S Iveson, A Laing, R Liddle, J Moran, M Plews, C Potts, M Simmons,  
D Stoker, C Walker and B Wilson

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## **DURHAM COUNTY COUNCIL**

### **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**

**AT A MEETING** of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**  
held at Council Offices, Seaside Lane, Easington on **Tuesday 12 May 2009**

#### **PRESENT**

**COUNCILLOR C. WALKER** in the Chair

#### **Members**

Councillors J. Blakey, G. Bleasdale, D Freeman, A. Laing, J. Maslin, M. Plews, R Liddle, M. Simmons and P. Taylor

Apologies for absence were received from Councillors B Wilson and J Chaplow

#### **A1 Minutes**

The Minutes of the meeting held on 21 April 2009 were confirmed as a correct record by the committee and signed by the Chair.

#### **A2 Declarations of Interest**

There were no declarations of interest submitted.

#### **A3 Applications to be determined by the Area Planning Committee (Central & East Durham)**

##### **PL/5/2009/0119 - Conversion and Refurbishment of Dwelling (Resubmission) at Building Rear of Crimdon Terrace, Blackhall**

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site the previous day, were familiar with the location and setting and gave a brief presentation on the main issues outlined in the report.

The existing building was situated at the rear of Crimdon Terrace, Blackhall and permissions was being sought for its conversion to form a single dwelling house. The conversion would provide a modest two bedroom property and the use of the land situated to the south was proposed as a private garden.

Access would be provided from an existing access road which currently served the residential property known as The Beacon. The access road led from the A1086 and would pass to the south of No 12 Crimdon Terrace.

The Principal Planning Services Officer explained that a further three letters of objection had been received on the grounds of highway safety, flooding, drainage, effect on wildlife

and access arrangements. John Cummings MP had also supported the residents objections to the scheme.

Mrs Peacock, an objector explained that the A1086 was constantly monitored by Police due to the number of accidents and the more traffic entering onto this road could result in further accidents. Residents still had grave concerns regarding the access to the site from the south of Crimdon Terrace and there was a telegraph pole blocking visibility.

The A1086 currently flooded when there was heavy rainfall and residents were concerned about the capacity of the sewer and drainage on the site. The sewer that served Crimdon Terrace was already to full capacity. Northumbrian Water would not be aware there was a problem as the residents of Crimdon Terrace cleared it themselves. The Environment Agency had commented that there was no risk of flooding because they did not live on a riverbank or a sealet.

Mrs Peacock explained that the original building was nothing like it was a present and a garage had been added on. She felt that the development was clearly not what was best for Crimdon Terrace as there would be problems with access, flooding and drainage and asked Members to consider supporting the residents and refuse the application.

Mr Elves, the agent explained that numerous discussions had taken place with Planning Officers to arrive a suitable scheme that would compliment and enhance the area. All design issues had been accepted on the previous application and no changes had been made to the building layout and design.

An alternative access from south of Crimdon Terrace was now proposed to overcome concerns expressed previously. The existing building was currently accessed from the existing lane and the Highways Officer had been consulted and had no concerns.

The Principal Planning Services Officer advised that the previous application had been refused because of the access arrangements. The relocation of the utility pole had been acknowledged and would need addressing. Flooding was a private issue and if any damage was caused by the applicants then they would need to remedy this.

Councillor Plews commented that unless the building became retail then there would be no increase in traffic flow than at present.

Councillor Bleasdale explained that she thought the access was unsuitable and queried if the lane was to be upgraded. Mr Elves explained that the lane would not be upgraded.

Councillor Laing explained that she travelled that road on many occasions and was horrendous for water in the winter. The sewer that the property would connect to was already at full capacity.

The Senior Planning Services Officer explained that the developer was connecting to the existing sewer and no objection had been received from the water authority.

**RESOLVED** that the application be approved subject to the conditions outlined in the report.

## **PLAN/2008/0714 – Rebuilding of School and Associated Sports Pitches at Our Lady Star of the Sea RC Primary School, Thorpe Road, Horden**

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site the previous day, were familiar with the location and setting and gave a brief presentation on the main issues outlined in the report.

The application was for the rebuilding of the school situated on Thorpe Road, Horden which was predominantly in a residential area. The new building had been designed to accommodate the existing number of pupils and would be a single storey structure with a raised roof over the assembly hall.

The Principal Planning Services Officer (Easington) advised that Sport England had withdrawn their original objections but recommended additional conditions relating to sports pitch provision and a community use scheme. Authority was requested to develop suitable conditions in this regard.

**RESOLVED** that the application be approved subject to the conditions outlined in the report and the following additional conditions

10. Prior to commencement of the development hereby permitted: i) A detailed assessment of ground conditions of the land proposed for the playing fields shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall be complied with in full prior to the new school buildings being occupied, unless otherwise agreed in writing with the Local Planning Authority.
11. Prior to the commencement of the use of the new school building a Community Use Scheme for the approved sports facilities, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of the use of the development.

## **4/09/00164/FPA – Erection of extensions to retail store, with associated car park amendments and landscaping at Sainsburys Supermarket, Arnison Retail Centre, Pity Me, Durham**

Consideration was given to the report of the Development Control Manager (Durham Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site the previous day, were familiar with the location and setting and gave a brief presentation on the main issues outlined in the report.

The application for was an extension to the retail store and associated car park amendments at Sainsburys Supermarket. The existing building would be extended to the

east and south into the car park and service yard with minor modifications and enlargement to the existing frontage and main entrance lobby. Revised internal arrangements would include the relocation of the stores restaurant to first floor mezzanine level.

The Development Control Manager advised that Sainsburys had submitted a Statement of Community Involvement. Since the report was prepared, one further letter of support and one letter of objection had been received. Sainsburys had issued a returnable card and received 91 comments of support and 23 comments of concerns relating to the quality of foods, layout of store and problems relating to traffic.

Amendments to conditions 4 and 8 were suggested as follows;

4. Remove the wording "No development shall commence until"
8. Remove the wording "development shall commence"

**RESOLVED** that the application be approved subject to the conditions outlined in the report including the amendments to conditions No 4 and 8.

**4/09/00176/FPA – Erection of two storey building, comprising 2 no A1 retail units ground floor, with two residential units above at land adjacent 81 High Street, Carrville, Durham**

The Chair advised that this application had been withdrawn.

**RESOLVED** that the information given, be noted.

**A4 Appeal Update**

**(a) Appeals Received**

The Development Control Manager (Durham Office) gave details in relation to the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for the erection of a dwelling and detached garage at Rosemary Lane, Easington Village.
- (ii) Appeal against the Council's refusal to grant advertisement consent for the erection and display of advertisements at The City Hotel, 88 New Elvet, Durham.

**(b) Appeal Decisions**

The Development Control Manager (Durham Office) gave details in relation to the following appeals which had now been considered by the Planning Inspectorate:

- (i) Appeal against the Council's refusal of an application which proposed the variation of a condition which restricted the hot food takeaway opening hours at 56 Ambleside Avenue, Seaton, Seaham.

Appeal Allowed subject to conditions restricting opening hours, details of ventilation and filtration and a scheme for the disposal of litter being submitted.

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

Appeal Dismissed and the enforcement notice varied by an amendment of time to 6 months.







**AREA PLANNING COMMITTEE**  
**(CENTRAL AND EAST DURHAM)**

**REPORT OF HEAD OF PLANNING SERVICES**

**2 June 2009**

**2. APPLICATIONS TO BE DETERMINED**

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/188/FPA Keepmoat Homes	Land At Tail Upon End Lane Bowburn Durham	Application for substitution of house types on plots 28, 29, 32, 33, 37, 38, 41, 42, 47, 49, 50, 51, 53, 54, 66, 68, 69, 71, 72 and 74 pursuant to planning permission 07/00311/FPA	<b>APPROVE</b> Page 3
4/09/254/FPA Mr A Gibson	10 St Mary's Close Shincliffe Durham	Demolition of existing porch and rear extensions, and erection of single storey pitched roof extension to front, two storey pitched roof extension to side/rear and two and single storey pitched roof extensions to rear of existing dwelling	<b>APPROVE</b> Page 9
4/09/282/FPA Belmont Parish Council	Land Adjacent To Magdalene Avenue And High Street Carrville Durham	Erection of War Memorial, involving excavation, contouring, landscaping of existing public open space, and erection of plaque on stone plinth adjacent existing footpath	<b>APPROVE</b> Page 21

PLAN/2008/0 645 Mr D Graham	Sinkers Garage Wingate Grange Industrial Estate Wingate	Residential Development	<b>REFUSED</b> Page 29
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PL/5/2009/01 20 Accent North East Ltd	Argyle Place South Hetton	11 no. substitution of house types	<b>APPROVED</b> Page 41
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PLAN/2008/0 645 Mr D Graham	Land At Moore Terrace Shotton	Residential Development comprising 33 no. units	<b>APPROVED</b> Page 47
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# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 4/09/00188/FPA

**FULL APPLICATION DESCRIPTION:** Application for substitution of house types on plots 28, 29, 32, 33, 37, 38, 41, 42, 47, 49, 50, 51, 53, 54, 66, 68, 69, 71, 72 and 74 pursuant to planning permission 07/00311/FPA at land at Tail Upon End Lane, Bowburn, Durham

**NAME OF APPLICANT:** Keepmoat Homes

**ELECTORAL DIVISION:** Durham South

**CASE OFFICER:** Andrew Inch  
[andrew.inch@durham.gov.uk](mailto:andrew.inch@durham.gov.uk)  
0191 301 8745

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The application site relates to an area of former public open space extending to some 2.83ha and located on the north-east periphery, but within the settlement limits, of Bowburn. The site is bound to the south and west by existing residential dwellings while Tail-Upon-End-Lane itself bounds the north and east of the site. A line of mature trees, protected by a Tree Preservation Order line the southern boundary of the site. Presently, the site is in the early stages of redevelopment for residential purposes, with planning permission having been granted in September 2007 for the erection of 83 no. dwellings with associated vehicular and pedestrian access, landscaping and provision of landscaped public open space.

Planning permission is sought to substitute house types in relation to 20 of the 83 plots. In particular the proposal involves the substitution of the '1011 house type', a two and half storey dwelling with two dormers to the front elevation. The substitution primarily involves the retention of the overall form of the dwelling at two and a half storeys, however, only a single large central dormer would now be provided, whilst the scale and pattern of fenestration to both front and rear elevations would be modified. Since submission, the dormers have been amended to include a gable fronted pitched roof.

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## **PLANNING HISTORY**

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As stated, above, planning permission was granted in September 2007 for the erection of 83 dwellings, and which is now in the early stages of being implemented. A subsequent application to substitute house types on some 19 plots was granted conditional permission in October 2008. Currently, applications to vary a condition of the original permission relating to the disposal of foul discharge and a Tree Preservation Order application seeking the removal of a group of trees, are being considered by the Council.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

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

### **REGIONAL POLICY:**

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

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### **LOCAL PLAN POLICY:**

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

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

There have been no responses received from statutory consultees.

### **INTERNAL CONSULTEE RESPONSES:**

There have been no responses received from internal consultees.

### **PUBLIC RESPONSES:**

There have been no responses received from members of the public.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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The main issues relate to the principle of development, impact upon visual amenity in terms of the overall scheme and the area as a whole, and the privacy of prospective occupiers.

### **Principle of development**

The principle of developing the site as a whole, and thereby the individual plots concerned, for residential purposes has been established through the granting of conditional planning permission in September 2007. The permission is in the early stages of implementation, and in view of the fact that the development plan, albeit the RSS is now formally adopted, is substantially the same as it was when permission was granted, there is no reason to revisit the acceptability of residential development at the site. House numbers remain the same and the proposals are on the same footprint as previously approved. Parking will also remain as previously approved.

### **Visual Amenity**

The twenty plots concerned form part of a wider scheme and are scattered throughout the site as whole, although 12 of the plots are located along the scheme's main frontage. Fundamentally, the changes involve the replacement of two modest dormer windows with one large centrally positioned dormer with a gable fronted pitched roof. It would not, however, be unduly disproportionate with the dwelling or the roof itself, being positioned well below the ridgeline. The increased size of openings to both ground and first floor levels is more sympathetic with the overall scale of the dwelling, and further assists in assimilating the dormer window. The alterations involved therefore in updating the house type are considered to not significantly adversely affect visual amenity, subject to conditions that ensure that the properties will be built of appropriate materials, which will help minimize the extent of the changes proposed.

### **Residential Amenity**

As the house types will be sited on the footprint of the originally approved dwellings the proposed facing distances remain unaltered and are not considered to give rise to issues of loss of privacy.

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## **CONCLUSION**

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In conclusion, the principle of residential development at the site has been accepted previously, whilst the impacts of the proposed substitution of house types are considered to not adversely affect the character of the area or indeed the scheme as a whole, and accordingly, approval of the application is recommended, in accordance with Policy Q8 of the Local Plan.

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## **RECOMMENDATION**

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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 development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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## **REASONS FOR THE DECISION**

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1. The principle of the proposed development together with the impacts upon visual and residential amenity are judged acceptable, having regard to Policies H3, H13, Q1, Q2 and Q8 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 consideration of issues of development principle, visual amenity and residential amenity.

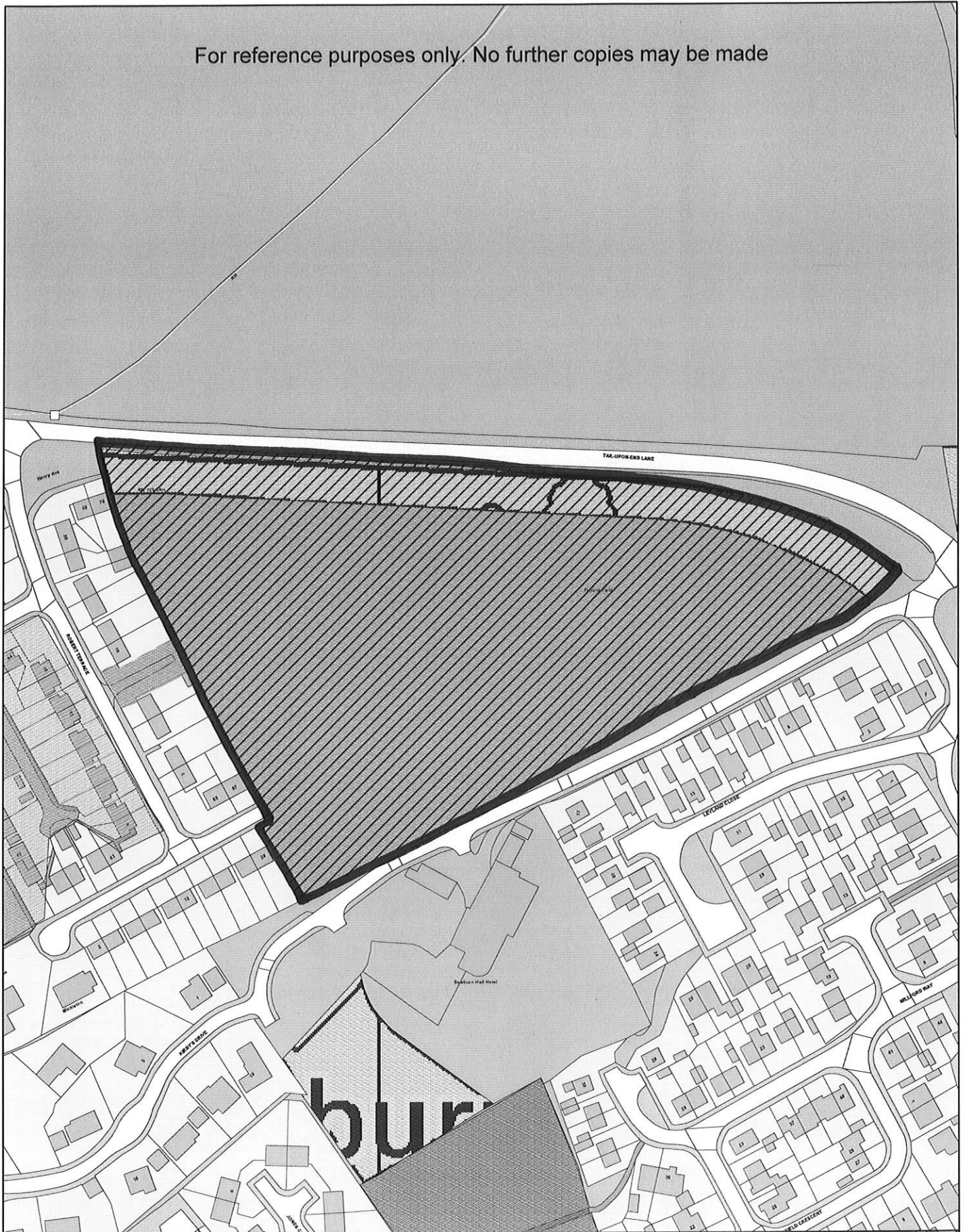
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and Amended Plans  
Design and Access Statement  
Planning Policy Statements: PPS1 and PPS3  
North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008  
City of Durham Local Plan 2004  
Circular 01/06: Guidance on Changes to the Development Control System  
Circular 11/95: Use of conditions in planning permission  
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



4/09/00188/FPA

Land At Tail Upon End Lane, Bowburn

**Comments** COMMITTEE MAP

**Date** 18 May 2009

**Scale** 1:1875

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**Planning Services**

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# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO: 09/00254/FPA

FULL APPLICATION DESCRIPTION: Demolition of existing porch and rear extensions and erection of single storey pitched roof extension to front, two storey pitched roof extension side/rear and two and single storey pitched roof extension to rear of existing dwelling at 10 St Mary's Close, Shincliffe, Durham, DH1 2ND

NAME OF APPLICANT: Mr A Gibson

ELECTORAL DIVISION: Durham South

CASE OFFICER: Colin Harding  
[colin.harding@durham.gov.uk](mailto:colin.harding@durham.gov.uk)  
0191 301 8712

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The application site is no.10 St Mary's Close in Shincliffe Village. The property is a detached, two storey house set in a plot of approx. 500sq.m and faces north. The site lies within an open plan close of 14 no. houses and is sited within Shincliffe Conservation Area. St Mary's Close itself was designed for the Dean and Chapter of Durham Cathedral by the renowned architect Donald Insall in the early 1950s and received a Civic Trust Award in 1961 for its design and layout. The estate is generally characterized by well spaced detached and semi-detached properties presenting a rectilinear emphasis set on open-plan plots.

The property itself is of red brick and like many other properties in St Mary's Close features white painted boarding at first floor level. To the rear, the property has been previously extended by a white UPVC conservatory and single storey rear extension. To the east of the property lies no.9 St Mary's Close, the garage of which adjoins that of no.10. To the west and set at a slight angle is no.11, with nos. 5, 6 and 7 opposite. To the rear lies Orchard House which faces west.

The plans have been amended during the application process following discussions with the applicants.

The application seeks approval for a number of alterations to the property. It is proposed firstly to demolish the existing single storey rear extension and conservatory, as well as the existing original flat roofed porch and garage.

The proposed alterations to the property take reference from the existing property and the estate within which it sits with horizontal cues evident in the front elevation changes.

A two storey side extension would be erected on the east elevation of the property and would be set 0.9m from the boundary with no.9. The side extension would be set back at first floor level by 0.9m, with the roof being set down by 0.2m from the ridge of the main property. A mono pitch roof would then extend across the front of the property over a rendered curved replacement porch. The porch would feature full height glazed panels. The western end of the ground floor front elevation would remain largely unchanged with the existing brick finish to be retained, albeit with a square head to the window as opposed to the existing curved head.

To the rear, it is proposed to present a more contemporary approach featuring two storey extensions presenting gables at either end of the rear elevation with a curved full height glazed area, which at first floor provides light to an internal gallery in between. The western end of the rear extension would feature a Juliette balcony. A further single storey sun room is also proposed which would also feature a pitched roof. The works to the rear elevation would be white rendered.

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## **PLANNING HISTORY**

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There is no previous planning history at the site. The existing conservatory and extension were erected some time ago, benefiting from permitted development rights.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

Planning Policy Guidance Note 15 lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

## **REGIONAL POLICY:**

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

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

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## **LOCAL PLAN POLICY:**

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

The Highway Authority raises no objections to the application finding that although the driveway would be rather short it would be capable of accommodating a single vehicle and that as a replacement garage is proposed, parking provision would not be reduced.

### **INTERNAL CONSULTEE RESPONSES:**

The Council's Conservation and Design Section commented upon the original plans and although raising no formal objection to the scheme did however suggest some amendments. These included reducing the ridge height of the proposed extension to increase its subservience and to introduce a visual break, reducing the length of the front elevation canopy and other issues that can be addressed via appropriate conditions. It should be noted that the plans before members have been amended following the receipt of these comments.

## **PUBLIC RESPONSES:**

Responses received following the initial public consultation exercise are summarized below. Following the receipt of these responses amended plans have been received and a further consultation exercise has been carried out. At the time of writing only 1 no. additional letter has been received, however any that are subsequently received will be reported verbally at the committee meeting.

At the time of writing 8 no. letters of objection and 1 no. letter offering comments but no specific objection have been received. All of the letters received highlight the architectural cohesion of the design and layout of the estate and its Civic Award winning status. Concerns are mainly raised over the design of the proposed works to the front and side of the property and their impact upon the character and appearance of the estate as a whole. Particular attention is drawn to the proposed porch with regards to both its design being contrary to the largely square design feature of the estate and its tan render finish. Further concerns are raised over the proposed changes to the fenestration, loss of brickwork below the weatherboarding and also the two storey side extension and resultant loss of openness. Also, the occupier of no.9 St Mary's Close which is the closest property to the application site also raises concerns over the impact of the building works would have upon the garage of no.9 as well as potential nuisance during building works, making good of damage to the garage as well as foundations.

1 no. letter of support for the scheme has been received from the occupiers of no.7 St Mary's Close which suggests that consideration needs to be given to future residents of the properties and that St Mary's Close is not a museum, with a Civic Award not being an excuse to allow the estate to be allowed to sink into gradual decline.

The City of Durham Trust object to the proposals, stating that the applicant is wrong to assert that the proposals represent a modernisation whilst maintaining the overall feel of the original building. Instead they state that the 'feel' derives from the 1960s harmony which the proposal would destroy.

Shincliffe Parish Council objects to the proposals stating that the changes to the front elevation would clash with other properties on the estate. In particular the vertical ground floor glazing, coloured render panel and weatherboarding to ground floor would appear discordant. Further concerns are raised with the increase in width of the property which would cut out views and giving a more built up feel to an open plan estate. Concerns are also raised regarding a potential for precedent.

## **APPLICANTS STATEMENT:**

The applicant has submitted a comprehensive statement in support of his proposals in which he outlines the philosophy of his design and explains that he has had detailed pre application discussions with Council Officers and has amended the scheme to reflect that advice. His statement also addresses issues raised in the objections to the scheme relating to the alterations not being sympathetic, subsequent alterations to other properties and changes to the fenestration.

The applicant has explained that the design evolved to allow for extending the dwelling in a modern but sympathetic manner. It was important that the initial design represented the entire principle: to be modern, homogenous and considered. This involves the retention of

ground, floor, eaves and ridge heights, and for any alterations to be domestic in scale. The finished design should look unified and modest but also be a contemporary take on the current design. Windows and glazing will be heat retaining, to suit the current high standards of building regulations, cladding will replace the PVC that is currently poorly fixed, porch to be curved and rendered sympathetically to replace the current porch in poor state of repair.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=09/00254/FPA>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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The main issues concern the impact of the development upon the existing residential amenity enjoyed by the occupiers of nearby properties, its impact upon highway safety as well as the design of the proposals and their impact upon Shincliffe Conservation Area.

### **Residential Amenity**

In terms of residential amenity this proposal would be considered to accord with the requirements of Policy Q9. The property to the rear of no.10, Orchard House benefits from presenting its gable towards the application site and hosts no habitable windows eliminating any significant loss of privacy in this respect. Furthermore, the rear boundary of the rear garden of no.10 is heavily planted and as a result there would be no material loss of residential amenity to Orchard House as a result of the proposed works. With regards to properties facing the front elevation of no.10, in all cases an excess of 21m separation would be retained resulting in minimal loss of residential amenity and the application is also considered acceptable in this respect. The proposal is therefore considered to accord with Policy Q9 of the Local Plan in this respect.

The concerns of the occupier of no.9 St Mary's Close are noted, however potential damage to the garage of no.9 during construction is not considered to be a material planning issue, being instead a civil matter to be agreed between the applicant and the occupier of no.9. Similarly, nuisance during construction could not form the basis of a refusal of this application.

### **Traffic**

Turning to the potential impact of the proposals upon highway safety, the Highway Authority note the rather short driveway of 4.5m, however also acknowledge that a garage is to be provided as part of the development and raise no objection to the proposed works. It should also be noted that the existing driveway is already shorter than is normally expected and it is hence considered that the situation would not become materially worse as a result of the works. The application is considered therefore to be in accordance with Policy T1 of the Local Plan.

### **Design And Impact Upon Conservation Area**

The primary issue with regards to this application is considered to be the design of the proposed works and their impact upon Shincliffe Conservation Area. Indeed, this is the issue that has raised most concern in representations received with regards to this application.

Policy Q9 states that residential extensions should be of a design, scale and materials that are sympathetic to the main dwelling and appearance of the area, whilst Policy E22 states that development must not detract from the character and appearance of area and should be sensitive in terms of its scale, design and materials, reflecting where possible existing architectural details.

Whilst St Mary's Close is without doubt a quality estate with regards to its setting and its layout, the properties within the Close are reflective of the era in which they were built. It is evident that the proposals have been designed with a clear thought process and are considered to provide a dignified modern update to the property which although not exactly replicating what is existing, nevertheless remains sympathetic to the host dwelling and takes design cues from the fundamental architectural elements of the host dwelling and the wider estate.

Turning first to the rear elevation, this represents perhaps the element of the scheme that moves furthest from the host property. However, being at the rear the impact of the changes upon the wider character of the Conservation Area would be considered minimal and the detached nature of the property and the curtilage within which it sits means that the proposals are considered to be of an appropriate scale in this instance.

It is however the proposals to alter the more sensitive front and side elevation of the property which have attracted the most criticism. Turning first to the principle of a two storey side extension, this is a common form of residential extension. It is noted that St Mary's Close is characterised by the spaces between the properties, however the gap between no.9 and no.10 is larger than most on the estate. Consequently, it is considered that a side extension could be accommodated in this location without excessively compromising a key feature of the estate. On officer advice, the proposed side extension has been amended from that originally submitted and now sits down from the main roof and back from the front elevation. This additional articulation reduces to a degree the horizontal emphasis of the property and introduces a degree of subordination which assists in emphasising the remaining gap between no.9 and no.10.

The curved porch, whilst very different in character to the existing UPVC flat roofed porch, does provide counterpoint to the rectilinear emphasis of the property and the estate. It enables the new and original features of the property to be read individually whilst not destroying the overall character of the property or the estate. In design and maintenance terms a pitched roof extension is preferable to that with a flat roof and it would appear to be a retrograde step to insist on a flat roofed porch in this instance. Following officer advice, the canopy to the front has been reduced from full width to finish with the porch and the additional weatherboarding to ground level has been omitted leaving brickwork exposed. This retention of the largely original frontage to the western end of the front elevation is considered to present an acceptable contrast to the more modern porch. The tan render of the front extension has also raised concerns amongst objectors. Again, officers would consider that this enables the more modern element to be read separately from the original dwelling, especially when juxtaposed against the original brickwork which would now remain. Whilst the contrast between old and new is evident here, it should also be noted that key features of the original property are also echoed, for example the horizontal emphasis.

Concerns have also been raised with regards to the proposed fenestration and particularly glazing within the porch. It should be noted that many properties within St Mary's Close have lost their original glazing and have been replaced by UPVC. Whilst no.10 does appear to retain its original glazing, its loss is not resisted, after all the occupiers could change the

fenestration throughout the property without requiring planning permission. The fenestration is generally characterised by horizontally proportioned openings with some verticality evident in the glazing itself. It is considered that the proposed replacement glazing would attempt to replicate this. The narrow first storey window in the side extension displays notable horizontal emphasis, as would that in the centre of the property. The window and door in the porch is contained within an opening which is wider than it is tall, although the panes themselves contain a vertical emphasis. The changes of window within the existing opening are considered acceptable, being of aluminium. The ground floor window towards the western end of the front elevation would lose its arched header course but it is not considered that this would necessarily detract from the overall appearance of the property.

Whilst it is accepted that the alterations to the front elevation would result in an impact upon the Conservation Area, the impact in this case considered to be acceptable. The proposed changes, whilst not adhering entirely to the original design of the property nevertheless have a quality of their own and are distinctive enough to be read separately from the original property, enough of the character of which would be considered to be retained so as not to unreasonably detract from the character or appearance of the Conservation Area. The proposals are hence considered to be in accordance with Policy E22 of the Local Plan.

Much weight has been placed within representations to the Civic Award which was won by the estate in 1961. The Civic Trust first presented awards in 1959 which aim to recognise the best in the built environment, from architecture to planning, townscape to infrastructure. They recognise the public realm in its wider context, and the continuing belief that development should be for the benefit of people – those who use it, and those who just pass by. The citation for St Mary's Close places great weight upon the layout of the estate and particularly commending the relationship between the properties and formal open space within the estate as well as the use of materials. Whilst the citation acknowledges the architectural merit of the estate, it is clear that the Award was made more on the basis of the quality of the public realm as opposed to the appearance of the properties. It is considered that the alterations proposed to no.10 St Mary's Close would not fundamentally detract from the layout of neither the estate nor its high quality public realm and consequently would not compromise the integrity of the award nor undermine the underlying quality of this estate. Schemes of this kind are not finite and with the requirements of modern living, settlements continue to change and develop. Changes to the appearance of a settlement or an estate do not cease to become necessary or possible after an arbitrarily chosen date.

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## **CONCLUSION**

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In conclusion, it is considered that the proposed alterations would present alterations to the property which would remain subordinate and sympathetic to the host property and the Conservation Area within which the property sits, whilst possessing a distinctiveness and quality of their own. It is not considered that there would be an unreasonable impact upon residential amenity or highway safety as a result of these proposals.

Whilst the proposals have resulted in a number of objections, it is not considered that the application would have such an adverse impact upon either the property or character of the Conservation Area so as to justify its refusal.

Accordingly Officers are able to recommend the application for approval.

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## **RECOMMENDATION**

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

1. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
4. Notwithstanding the submitted details, no development shall take place until full details of conservation type rooflights to be inserted into the proposed extension and existing front and rear elevations have been submitted to, and approved by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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## **REASONS FOR THE DECISION**

1. The principle of the proposed development together with the impacts upon visual and residential amenity, impact upon the character and appearance of Shincliffe Conservation Area and highway safety are judged acceptable, having regard to Policies E22, Q9 and T1 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policy 8 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to consideration of issues of, highway safety, visual and residential amenity and impact upon Shincliffe Conservation Area.
3. Grounds of objection relating to damage to property, nuisance, and in particular design and impact upon Shincliffe Conservation Area were considered to not be sufficient to lead to reasons to refuse the application, in view of the developments accordance with relevant development plan policies combined with appropriate planning conditions.



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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans.

Design and Access Statement

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

City of Durham Local Plan 2004

Planning Policy Statements / Guidance, PPS1, PPG15

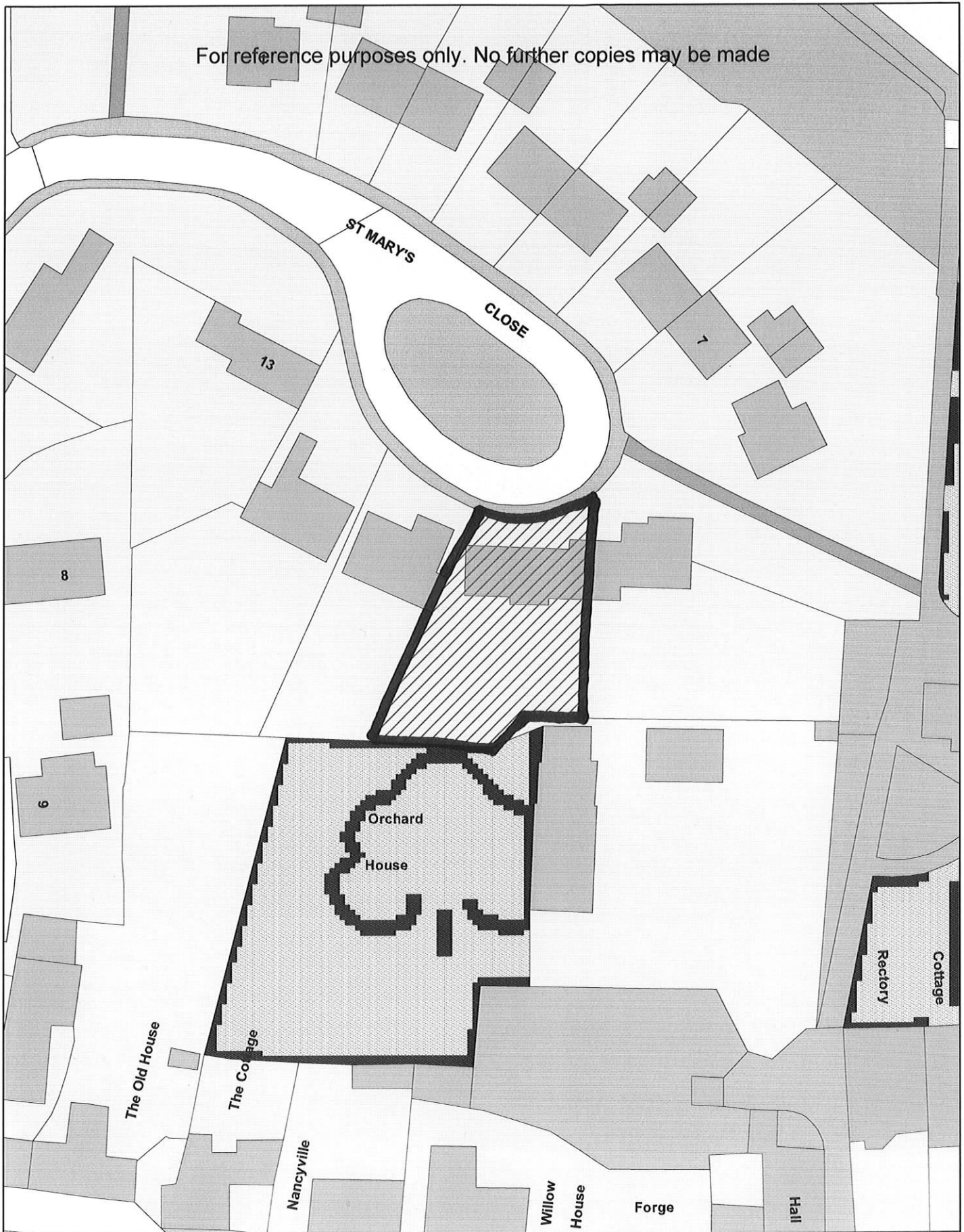
Responses from County Highways and Heritage and Design and Shincliffe Parish Council

Public Consultation Responses

Civic Trust Awards Citation



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**Planning Services**

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4/09/00254/FPA

10 St Mary's Close, Shincliffe, Durham

**Comments**

COMMITTEE MAP

**Date**

18 May 2009

**Scale**

1:625  
19



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 4/09/00282/FPA

**FULL APPLICATION DESCRIPTION:** Erection of War Memorial, involving excavation, contouring, landscaping of existing public open space, and erection of plaque on stone plinth adjacent existing footpath at

**NAME OF APPLICANT:** Belmont Parish Council

**ELECTORAL DIVISION:** Belmont

**CASE OFFICER:** Hilary Sperring  
[Hilary.sperring@durham.gov.uk](mailto:Hilary.sperring@durham.gov.uk)  
0191 301 8742

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The rectangular application site is some 80 square metres in size, located to the east of the High Street, Belmont, Durham. The site is currently an open grassed area, situated adjacent to the junction with Magdalene Avenue. The area includes a number of trees, bench and sign and topographically is relatively level.

Planning permission is sought for the relocation of the existing War Memorial which currently lies within the churchyard of the neighbouring St Mary Magdalene Church. The Memorial includes a main obelisk some 3.75 metres in height and two smaller pillars at either side, containing the names of residents who lost their lives whilst serving in the First and Second World Wars. Part of the current proposals includes the provision of a further two pillars situated in front of and replicating the existing. The new pillars would be of smaller size (1.3 metres in height) and comprised of pink granite with sandstone plinths and capstones and will be used to commemorate those who lost their lives in more recent conflicts. The area around the War Memorial is to be paved and will join the existing footpath. A raised plaque in brass set onto a sandstone plinth is proposed adjacent to paved entrance. New trees, shrubs and planting are also proposed within the site.

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## **PLANNING HISTORY**

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There is no planning history of relevance to the application site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

Planning Policy Guidance Note 13 Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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

### **REGIONAL POLICY:**

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

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### **LOCAL PLAN POLICY:**

Policy C8 (Community Facilities - Provision of New) states that planning permission will be granted for community facilities such as community centres where, amongst other things, they are within existing settlement boundaries and are well-related to residential areas, are capable of serving a number of uses, and would not adversely affect residential amenity.

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

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 E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

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.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

The Highway Authority raises no objections to the application.

### **INTERNAL CONSULTEE RESPONSES:**

None

### **PUBLIC RESPONSES:**

One letter of support has been received on behalf of the Vicar of St Mary Magdalene Church and the Belmont Parochial Church Council. The proposals have been considered at the Diocesan Advisory Committee and granted a certificate of approval for the faculty application.

The letter goes on to say that the War Memorial is owned and well maintained by the 'Friends of Belmont War Memorial' this excellent and long standing partnership has repaired and maintained with great care the Memorial for ninety years. It is in an excellent state of repair and the Parish Council has generously contributed funds, along with local residents. £2,000 has been donated towards its relocation, demonstrating the desire and practical commitment to the proposal.

The support of the Vicar and that of the Parochial Church Council is given, on the basis that the link between the church and the community would be enhanced. It is stated that the Memorial and the Annual Remembrance Day Service would be more visible and accessible to local people and the relocation would make a strong statement about where the church desires to be today – a positive and effective presence among the community.

## APPLICANTS STATEMENT:

The applicants propose to relocate the War Memorial to a currently open grassed area, which is both more visible and publicity accessible and is a more fitting position for the memorial of those who have lost their lives in conflict. The area would also be landscaped and the setting for the Memorial would be enhanced with landscaping and additional stone plinths and plaque, existing still retaining existing features of the site.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=09/00282/FPA>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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In accordance with Policies C8, E5a, E14, E15, H13, T1, Q1 and Q2 and Q5 the main planning considerations relate to the acceptability of the principle of the development at the site, the appropriateness of the siting and appearance of the proposal, impact upon the character of the area, accessibility and the requirements of users, residential amenity and impacts upon nearby trees and highway safety.

The proposed memorial is located within the settlement boundary and although sited on a section of existing open space, the proposal would not detract from the functional, visual and environmental attributes of the area. The memorial is dedicated to those who lost their lives in conflict and this new position, with level access, would be both more visible and also accessible to the local community, serving the needs of all users. Subject to the appropriate use of materials, which is conditioned, the memorial will create a feature within the heart of the community which will enhance the appearance and use of the area. No objection is therefore raised to the principle of the relocation, use or appearance of the memorial.

The proposed site occupies an area of land to the rear of the residential semi-detached properties within St Mary's Road. The rear gardens of these properties adjoin the site and are currently bounded by 1.8 metre vertical boarded fencing. The proposed Memorial would be situated in front of this fencing but also an existing leylandi hedge which is within the rear garden of one of the properties. Although the main obelisk would be visible from these residential properties over the top of the fence and hedge, given the separation to the residential properties and existing arrangements no harm to the amenity of nearby local residents is considered to occur, having regard to Policy H13 of the Local Plan. On the opposite side of the road lie the shops and businesses within Blue House Buildings and Newlands Road and the amenity of these nearby occupiers and other residential occupiers close to the site would also not be significantly adversely affected.

One sapling would be removed to facilitate the re-location of the War Memorial. However, there are a number of other trees within the site which would be retained and the proposals include the addition of further trees, shrubs and planting which is considered acceptable. Subject to condition this element of the proposed development would therefore satisfy the aims of Policies E14, E15 and Q5.

The proposed siting of the memorial and associated works are not considered to cause a hazard to highway safety given the proposed position, set back from the road and away from the junction. The site chosen is also located adjacent to a straight section of road and visibility from passing vehicles is therefore considered to be unhindered reducing concern

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regarding highway safety. The Highway Authority have raised no objections.

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## **CONCLUSION**

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In conclusion, it is considered that the principle of the proposals would be entirely consistent with national, regional and local planning policies. The Local Planning Authority considers the siting and appearance of the proposals to be appropriate to this new location, ensuring the Memorial will continue to serve as a lasting tribute to those who have lost their lives in conflict. The layout and design of the proposals is considered to take into account the requirements of all users and the location would be well related and accessible to the community. Additionally, the location and design of the memorial would not, it is considered, cause harm to the visual amenity or the amenity of nearby residents or highway safety.

As a result the proposal is considered to accord with relevant Policies C8, E5a, E14, E15, H13, T1, Q1 and Q2 and T1 of the Local Plan and as a result gains officer support.

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## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced and thereafter implemented in accordance with the approved scheme.
3. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
4. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

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## **REASONS FOR THE DECISION**

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1. The principle of the proposed development together with the impacts upon visual and residential amenity, highway safety, trees and landscaping and the requirements of all users are judged acceptable, having regard to Policies C8, E5a, E14, E15, H13, T1, Q1 and Q2 and Q5 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 4, 7, 8, 24 and 38 North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to consideration of issues of development principle, accessibility for all users, impact upon the character of the area and visual amenity, safeguarding existing residential amenity, trees and highway safety.

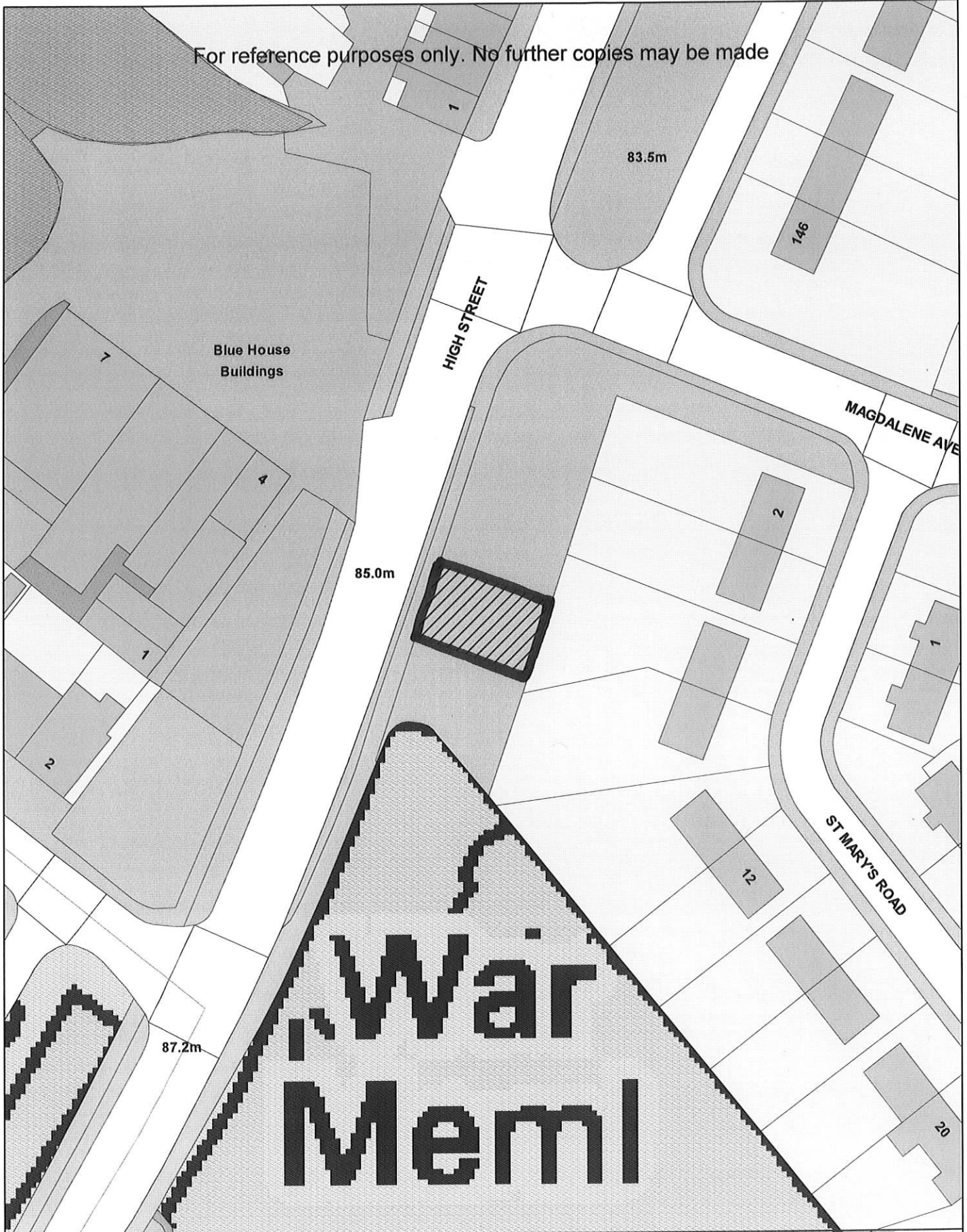
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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans  
Design and Access Statement  
Planning Policy Statements: PPS1  
Planning Policy Guidance notes: PPG13  
North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008  
City of Durham Local Plan 2004  
Circular 01/06: Guidance on Changes to the Development Control System  
Circular 11/95: Use of conditions in planning permission  
City of Durham Local Plan 2004  
Responses from Highway Authority  
Public Consultation Responses  
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



**Planning Services**

4/09/00282/FPA

Land Adjacent To Magdalene Avenue And High Street, Carrville, Durham

**Comments**

COMMITTEE MAP

**Date**

18 May 2009

**Scale**

1:625  
27

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## Planning Services

# COMMITTEE REPORT

### APPLICATION DETAILS

APPLICATION No:	PLAN/2008/0646
FULL APPLICATION DESCRIPTION:	RESIDENTIAL DEVELOPMENT at SINKERS GARAGE WINGATE GRANGE INDUSTRIAL ESTATE, WINGATE
NAME OF APPLICANT:	MR D GRAHAM
ELECTORAL WARD:	Wingate
CASE OFFICER	Grant Folley: <a href="mailto:grant.folley@durham.gov.uk">grant.folley@durham.gov.uk</a> : 0191 5274322

### DESCRIPTION OF THE SITE AND PROPOSALS

This application relates to an area of land situated in Wingate Grange Industrial Estate. The application site is broadly rectangular in shape, with a total site area of 1.186 Ha. It makes up the northern part of Wingate Grange Industrial Estate, and is currently accessed from the Industrial Estate road, which leads through the Industrial Estate from the B1280 road to the south east of the site.

The application site is made up of an area of open space to the west, a group of disused former pit offices, bath-house and storeroom in the centre of the site, and a garage repair workshop, stores area, and car sales area to the east of the site. The site is currently vacant, and the buildings in the centre of the site have fallen into a state of disrepair. The former car sales area and workshop to the east are in better condition, and have most recently been in use in early 2008.

The site is bounded to the south by a variety of different buildings, which make up Wingate Grange Industrial Estate. General industrial uses including waste transfer and vehicle repair can be found on the industrial estate. To the west are allotments and to the north an area of public open space. To the east of the application site are residential properties.

The proposal is for Outline Planning Permission for the erection of a residential development. This application deals with the principle of development on this site and the proposed access arrangements. The layout of site, scale of buildings, appearance of buildings, and landscaping of site are reserved matters and would be subject to a subsequent application if planning permission were to be granted.

The proposed residential development is to be accessed from the B1280 situated to the

east of the application site. The proposed access arrangements will require the re-opening of a previously stopped up section of public highway which will link through to the existing industrial estate road that runs to the south of the application site. A single access road is to be provided into the site, which will lead to three cul-de-sacs. No other highways works are proposed as part of this application.

An indicative site layout has been submitted with the application, which shows a total of 58 no. residential dwellings. The indicative site layout shows a mixture of terraced, semi-detached and detached dwellings. Information contained within the submitted Design and Access Statement suggests all properties would be two-storeys in height.

The applicant has submitted various reports in support of the proposed development, including: design and access statement, commercial appraisal, affordable housing statement, flood risk assessment, bat survey, noise exposure category assessment, and a preliminary investigation into contaminated land. In support of the application the applicant has stated that the application site is no longer viable for employment uses and therefore should be developed for residential to support the economic development of Wingate.

## **PLANNING HISTORY**

None relevant.

## **PLANNING POLICY**

### **NATIONAL POLICY:**

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

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

**Planning Policy Guidance 24 (PPG24)** guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

It also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.

## **REGIONAL POLICY:**

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

## **LOCAL PLAN POLICY:**

### **District of Easington Local Plan**

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

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

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

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

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

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

## **CONSULTATION AND PUBLICITY RESPONSES**

### **STATUTORY RESPONSES:**

Northumbrian Water – No objections subject to a condition regarding the public sewer that runs through the site being attached to any grant of planning permission.

Environment Agency – No objections subject to conditions regarding surface water management and land contamination being attached to any grant of planning permission.

Natural England – Based on the information provided, Natural England has outstanding concerns regarding the proposal at this stage as it considers that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

Durham Bat Group – The submitted bat report identifies that there is a risk of bats using some of the buildings to be demolished. Further survey work is required before an accurate assessment of risk can be made.

Durham Wildlife Trust – Planning permission should not be granted until further survey works have taken place, in line with the recommendation made in the report submitted with the application.

#### **INTERNAL CONSULTEE RESPONSES:**

Planning Policy – The application proposes a residential scheme on land safeguarded for employment use and is therefore contrary to policy. The applicant has attempted to justify the development of this site by producing a commercial appraisal. It is felt that the appraisal is insufficient in evidence and incorrect in some instances to be sound. The application also raises concerns in respect to the suitability of the site for housing in terms of neighbouring uses at the industrial estate. The application should therefore be refused.

Highways Authority – The application fails to comply with the Highway Authority requirement to segregate the proposed residential vehicular traffic from the existing industrial vehicular traffic. The applicant has been advised of how an acceptable vehicular access arrangement could be created, which accommodates the required segregation of the two traffic types and included an increase in car parking provision and off-site improvements to the B1280, but would appear to have ignored this advice. In its current form the application is unacceptable from a highway point of view.

Environmental Health – A contaminated land report should be carried out if planning permission were approved.

East Durham Business Service – Object to the proposal. The proposed development is too close to the industrial estate and also represents a loss of potential industrial land.

#### **PUBLIC RESPONSES:**

The application has been advertised in the local press and by two site notices. Neighbour consultation letters have also been sent; no letters of representation have been received in relation to this application.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:  
<http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=102042>*



## **PLANNING CONSIDERATIONS AND ASSESSMENT**

The current application is for outline permission. In particular this application deals with the principle of development and the proposed access for the site. All other matters, including: scale of buildings; appearance of buildings; layout of development; and, landscaping are reserved matters, and will be subject to a subsequent application.

With the proposal in mind, and with regard to the consultation responses received, the main issues to consider in determining this application are:

- Relevant Development Plan policies
- Loss of Employment Land and Impact on Industrial Estate
- Access Arrangements
- Protected Species

### Relevant Development Plan Policies

In principle the redevelopment of a previously developed site within a sustainable location for housing, would be considered to be in accordance with the relevant national, regional and development plan policies. This site is not designated for residential development in the local plan and therefore should be assessed against the windfall housing policy. Policy 67 of the District of Easington Local Plan deals within windfall housing, and states that residential development will be allowed on previously developed sites within settlement boundaries providing that the development is appropriate in scale and character, and does not conflict with other Local Plan policies. However, in this instance, the application relates to an area of land designated as part of an industrial estate.

The application site is part of Wingate Grange Industrial Estate that was designated in the District of Easington Local Plan. Saved policy 54 of the Local Plan states that at this designated site, B1, B2 and B8 uses will be allowed along with some limited retail use permitted by other policies.

In line with guidance contained within PPS3 and the Regional Spatial Strategy the Council has demonstrated that a 5-year supply of housing land can be met. Approval of any inappropriate sites should not be justified by a lack of housing land supply.

Residential Development on this site would therefore be contrary to policies 54 and 67 of the Local Plan.

### Loss of Employment Land and Impact on Industrial Estate

It has been explained how the proposed redevelopment of this site for residential purposes would be contrary to the relevant development plan policies. Arguments put forward by the applicant have questioned the site's designation as employment land, as such the key issue in determining this application in planning policy terms relates to the loss of the industrial land, and the impact the proposed development would have on the remaining industrial uses adjacent to the application site.

The applicant has submitted a commercial appraisal which aims to justify releasing the employment land for housing. This commercial appraisal focuses on the current and future

viability of the site, the current and future property market for industrial premises and the impact the development would have on the availability of employment land and buildings in the Easington area.

Broadly the appraisal identifies that the site is no longer viable as employment land, however this is not accepted, there is an inadequate supply of land and premises elsewhere to meet demand if the site was developed for housing and the loss of this site would have a positive effect on the availability of employment land and buildings in the district.

The conclusions reached within the submitted commercial appraisal appear to be based on limited evidence and are also in some instances, incorrect in their ascertains. For example the appraisal states that there has been no take up of industrial land since June 2006. This is factually incorrect as the most recently published Annual Monitoring Report identifies that in 2005/06 there was 9.6 Ha of land take up, in 2006/07 there was 17.9 Ha of land take up and 2007/08 there was 5.74 Ha of land take up. The submitted commercial statement also states that the district has somewhere in excess of 55 Ha of employment land available in the short term and at least 71 Ha available in the long term. Again this is at odds with the latest figures published in the Annual Monitoring Report which identifies just 31.81 Ha of land available in the short term and 31.74 Ha of land available in the long term.

The Local Planning Authority considers the retention of the employment land, as supported by Policy 54 of the Local Plan, to be a sufficient reason to refuse the application, and does not accept the argument put forward in support of the development, that the site is no longer viable for employment uses. Furthermore, concerns are also raised that the loss of part of the Wingate Grange Industrial Estate for residential, could also impact on the remaining industrial uses.

The application site represents the northern part of the designated Wingate Grange Industrial Estate, and if developed would result in residential properties being sited directly adjacent to a range of differing industrial uses. Due to the proximity of industrial uses the proposed residential development has the potential to lead to complaints by future residents with regard to noise and general disturbance associated with the established industrial uses. Such complaints would be investigated by Environmental Health Officers, and if validated could lead to restrictions being placed on the industrial operations. Any residential development on this site could therefore jeopardise the continued viability of the industrial estate as a whole, rather than just the site subject to the current application.

It is considered that noise would be a primary concern for future residents of the proposed development, and is likely to be the main cause of complaints against the existing industrial activities. In support of the application a Noise Exposure Category Assessment has been completed in line with advice contained within PPG24. The assessment concluded that the application site was found to be in NEC category 'B' for mixed noise sources according to advice contained within PPG24, and therefore any impact could be mitigated. However, advice contained within PPG24 states NEC noise levels should not be used for assessing the impact of industrial noise on proposed residential development because the nature of this type of noise, and local circumstances, may necessitate individual assessment and because there is insufficient information on people's response to industrial noise to allow detailed guidance to be given. The assessment submitted with the application found that industrial noise was observed during the day at the application site, and that further works

would be required to quantify the effects of this noise on the proposed development. As such it is not considered that sufficient evidence has been provided to overcome the concerns of the Local Planning Authority that potential future residents of the proposed development will be affected by noise from the existing industrial estate. The proposed development is considered to be contrary to advice contained within PPG24 governing the siting of noise sensitive development, which would include residential, adjacent to incompatible uses, which would include industry as currently found on the Wingate Grange Industrial Estate.

East Durham Business Service have been consulted on the application, and have raised concerns regarding the loss of employment land and the proximity of the proposed residential development to established industrial uses. The Business Service are concerned that if allowed, the development of the site for residential would have the potential to generate “bad neighbour” claims by the residents of the proposed houses against the existing operations on the adjacent industrial estate. It is suggested that such claims would be significant and could affect the business operations of companies located on the industrial estate.

### Access Arrangements

Although the application is for outline permission, details of the proposed access arrangements are submitted with the current application for determination. Highways officers have been consulted on the application, and have objected to the scheme due to concerns over highway safety.

In particular the submitted information fails to comply with the Highway Authority requirement to segregate the proposed residential and existing industrial vehicular traffic; as requested in previous discussions between Officers and the applicant. The submitted information also fails to address the issue of the existing stopped up section of former public highway and the existing public highway to be stopped up to create the required segregation between the two types of traffic. It is accepted that a suitable access arrangement could be created, which would provide for the segregation of industrial and residential traffic, however the plans submitted with the application are not acceptable in this regard.

As the access arrangements are to be assessed under the current application and not reserved for later consideration the current proposal is unacceptable due to concerns over highway safety and contrary to Policy 36 of the Local Plan which seeks to provide good access arrangements for new developments.

### Protected Species

Concerns have been raised by Natural England, Durham Bat Group and the Council's Countryside Officer regarding the impact the proposed development may have on protected species in the vicinity of the application site. A bat survey submitted with the application concluded that further works would be required in order to fully assess the impact the proposed development may have on bats, a species protected by law. The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to the current proposal it is considered that insufficient information has been submitted to allow the Local Planning Authority to accurately assess any impact the proposal may have on

protected species, contrary to policy 18 of the District of Easington Local Plan.

## **CONCLUSION**

The outline planning application is considered to be contrary to the relevant development plan policies. The Local Planning Authority does not accept the arguments put forward by the applicant in support of the application, in relation to the supply of employment land. The application represents the development of part of an identified industrial estate for residential purposes contrary to policies 54 and 67 of the Local Plan.

The introduction of residential uses within the industrial estate would lead to potential “bad neighbour” complaints from future residents, and jeopardise the future viability of Wingate Grange Industrial Estate. The introduction of a residential use in this location would be contrary to advice contained within PPG24 in relation to noise sensitive uses.

The proposed access arrangements do not accord with advice given by Highways officers, as they would allow residential and industrial traffic to mix to the detriment of highway safety.

Insufficient information has been provided with the application to adequately demonstrate the impact the proposed development may have on protected species. The proposed development is therefore contrary to Policy 18 of the Local Plan and advice contained within government circulars.

## **RECOMMENDATION**

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

1. The proposal represents the residential development of part of the Wingate Grange Industrial Estate. The site cannot be considered as a Windfall Housing site as the site is designated as an Industrial Estate, such that the proposed development is contrary to policies 54 and 67 of the District of Easington Local Plan.
2. By virtue of the adjacent existing industrial estate the proposed residential use is considered to be inappropriate land use in this location due to the undue impact the industrial estate would have on the occupiers of the proposed dwellings in terms of noise and the discharge of fume, soot, vibrations, dust and grit. As such the proposal is considered to be contrary to the provision of policies 1, 35 of the District of Easington Local Plan and advice contained within PPG24: Planning and Noise.
3. The proposed access arrangements do not adequately allow for the segregation of residential and industrial vehicular traffic and the proposal is therefore unacceptable on highway safety grounds, as the proposed new access road for the development is too narrow to accommodate industrial traffic. The proposed development is contrary to policy 36 of the District of Easington Local Plan.
4. Insufficient information has been provided to allow the Local Planning Authority to consider whether or not the proposed development would have an adverse effect on species especially protected by law. The proposal is therefore considered to be contrary to Policy 18 of the District of Easington Local Plan.

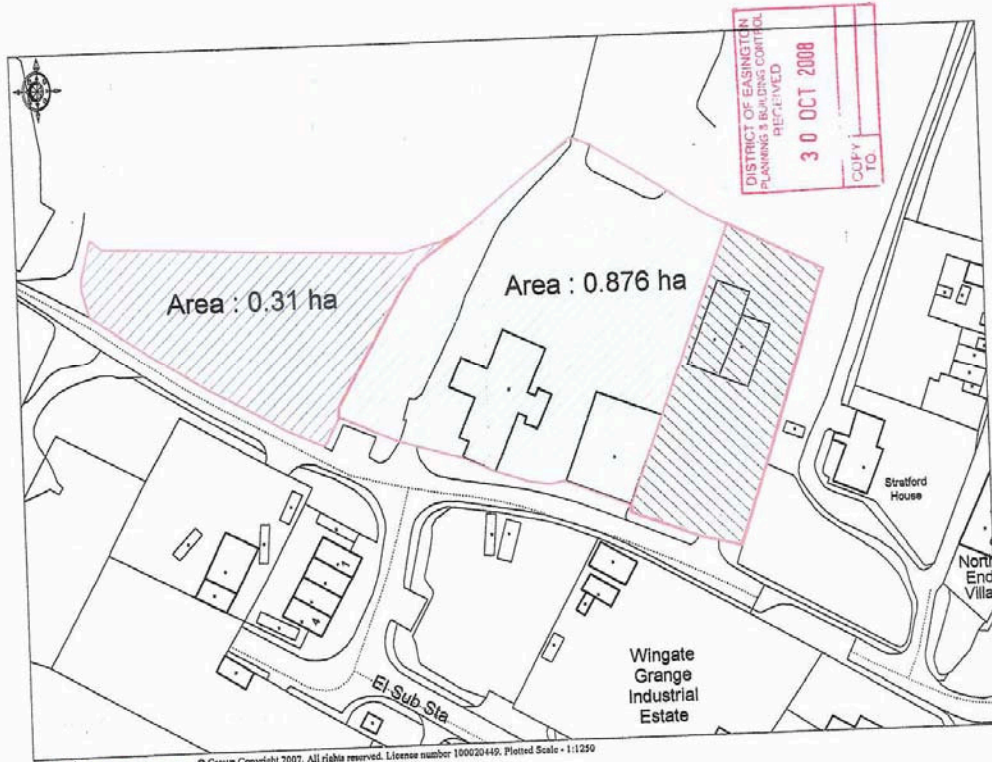
## **BACKGROUND PAPERS**

- Submitted Application Forms and Plans.
- Design and Access Statement
- Commercial Appraisal – Sinkers Garage
- Flood Risk Assessment – JDG Cars
- Bat Survey Report – Buildings at Wingate, County Durham
- Noise Exposure Category Assessment – Sinkers Row Garage
- Preliminary Investigation (Land Contamination) – JDG Cars
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3 , PPS9, PPG24
- Government Circulars
- Consultation Responses
- Easington District Council's Annual monitoring Reports



Land at Wingate

Location PLAN



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Appletons Chartered Surveyors,  
22 High Street, Stockton on Tees, TS18 1LS (01642) 675555





# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** PL/5/2009/0120

**FULL APPLICATION DESCRIPTION:** 11 NO. SUBSTITUTIONS OF HOUSE TYPES at ARGYLE PLACE, SOUTH HETTON

**NAME OF APPLICANT:** ACCENT NORTH EAST LTD

**ELECTORAL DIVISION:** Easington Village & South Hetton

**CASE OFFICER** Grant Folley: [grant.folley@durham.gov.uk](mailto:grant.folley@durham.gov.uk): 0191 5274322

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## DESCRIPTION OF THE SITE AND PROPOSALS

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The application relates to a current construction site situated within the village of South Hetton. Planning permission was approved in March 2008 for the development of the site to form 24 no. houses and 9 no. bungalows (see relevant planning history). The planning approval allowed for a mixture of three and two bedroomed properties. The approved scheme was developed to replace existing council owned properties which were in need of refurbishment with a view to producing affordable housing of both rented accommodation and housing for sale.

Planning permission is currently sought to change the design of eleven approved three bedroomed properties. The applicant has stated that the need has been identified to increase the overall floor area of the houses by adapting the dwelling to incorporate a single porch to the rear elevation of the dwellings. The proposed porches will project 0.6 metres from the approved rear building lines of the houses.

The proposed substitution of house type will have no effect on the layout of the development or involve any changes to the approved access and parking arrangements.

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## PLANNING HISTORY

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PLAN/2007/0737 – 24 Houses and 9 Bungalows – Conditional Approval 14/03/2008

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

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

### **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.

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### **LOCAL PLAN POLICY:**

District of Easington Local Plan

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

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

*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

No consultations sent.

### **INTERNAL CONSULTEE RESPONSES:**

No consultations sent.

### **PUBLIC RESPONSES:**

The application has been advertised in the local press and a site notice has advertised the application. Neighbour consultation letters have been sent. No letters of representation have been received.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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Planning permission is sought for the substitution of house types on a recently approved planning application, as such the principle of development is considered to have already been accepted. The main issues to consider in determining this application are whether the proposed changes are acceptable in terms of design and the effect the changes will have on the residential amenity for future occupants.

### Design

The proposed changes to the houses involve minor additions being made to the rear elevations. The proposed porches are considered to be in keeping with the approved dwellings in terms of design and scale. The porches will be finished in materials to match the houses to which they relate.

### Residential Amenity

The proposed porches will not impact on the residential amenity of future residents. The rear projections accord with the relevant guidelines contained within the local plan governing residential extensions. It is not considered that the proposed porches would have any detrimental effects in terms of privacy or amenity space. The approval of the original planning application on this site was subject to “permitted development rights” being removed from the properties so that the Council retained control over the future development of the site, to ensure that residential amenity would not be compromised by inappropriate extensions to the properties. The proposed porches are not considered to compromise residential amenity, however to ensure that this remains the case, it is suggested that such a condition is also attached to the current application if approved.

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## **CONCLUSION**

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The proposed substitution of house type is considered to accord with the relevant development plan policies. The proposed changes in terms of design and scale are in keeping with the previous approval on the site, and will not impact on the residential amenity of future residents.

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## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the approved details.

3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
6. Notwithstanding the provisions of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local planning authority.

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## **REASONS FOR THE DECISION**

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

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

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing

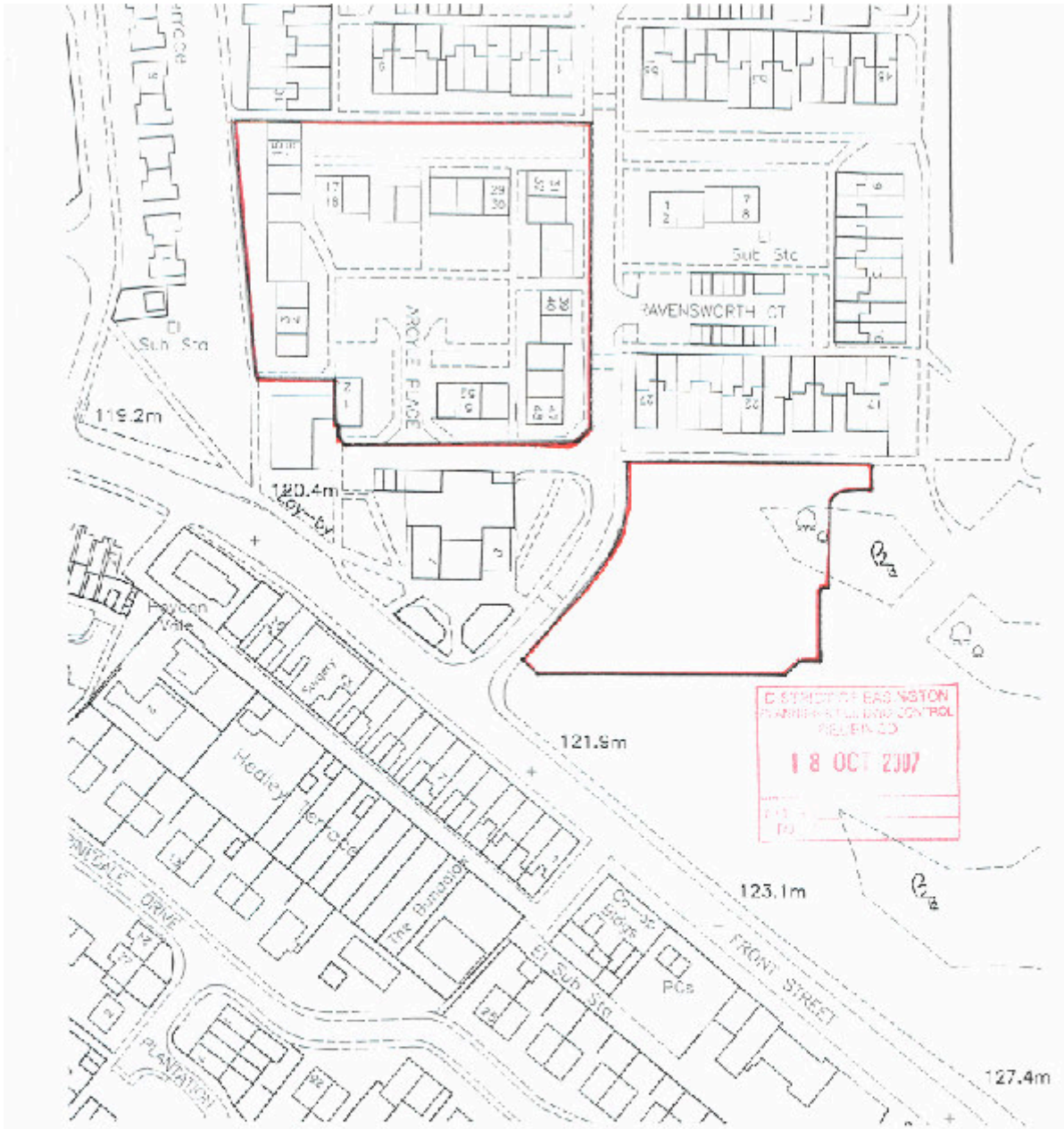
2. In particular the development was considered acceptable having regard to the previous planning approval on this site, and consideration of issues of design and residential amenity.

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## **BACKGROUND PAPERS**

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- 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,
- Consultation Responses



REV A: ADDITION OF HATCHED ACCESS ROAD sug 06

**Browne Smith Baker**  
 e-mail: info@brownesmithbaker.com

PROJECT: ARGYLE PLACE, SOUTH HETTON				Architects		
				1st Floor, Market House, Market Durham, DL1 1PT tel: 01325 482341 fax: 01325 387 919		
SCALE: 1:1250	DRAWN: LG	CHECKED	APPROVED	TITLE: LOCATION PLAN		
DRAWING STATUS: LOCATION PLAN	DATE: 15.10.07	DATE:	DATE:	PROJECT NO: 00127	DRAWING NO: LC1	REVISION: B



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0134</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>RESIDENTIAL DEVELOPMENT COMPRISING 33 NO. UNITS at LAND AT MOORE TERRACE, SHOTTON COLLIERY</b>
<b>NAME OF APPLICANT</b>	<b>THREE RIVERS HOUSING GROUP</b>
<b>ELECTORAL DIVISION</b>	<b>Haswell &amp; Shotton</b>
<b>CASE OFFICER</b>	<b>Grant Folley: <a href="mailto:grant.folley@durham.gov.uk">grant.folley@durham.gov.uk</a> 0191 5274322</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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The application site, which is approximately 1.27 hectares, lies within the settlement boundary of Shotton Colliery on a site occupied by local authority housing, as such the land is considered to be brownfield. The site is currently vacant and some clearance has occurred, however there is one remaining terrace of houses situated in the centre of the site, which will need to be demolished to make way for the proposed development. The land is now grassed over. Residential properties face the application to the north, with open land and allotments to the east, south and west.

This application proposes 33 mixed residential dwellings with private gardens that would be Homes and Communities Agency funded and would be available for social rent and in then long term shared ownership. The 33 houses will be arranged in a series of courtyards with some slight changes to the existing levels with a mix of house types around each courtyard. The proposed residential properties include three dwelling types at 2 and 2½ storeys in heights, along with bungalows, providing a mix of two and three bedroomed properties. The mix of house types includes 6 bungalows, which are sited between the proposed courtyards. All residential units are linked by public footpaths, which are to include seating and amenity space for local residents.

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



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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

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

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

### **REGIONAL POLICY:**

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

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

### **LOCAL PLAN POLICY:**

District of Easington Local Plan

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

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

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

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



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

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

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*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/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Northumbrian Water – No objections subject to sewer diversion/abandonment and surface water conditions being attached to any grant of planning permission.

Durham Constabulary – Concerns have been raised regarding the layout of the proposed development, particularly with regard to the footpath that runs through a proposed car park and around the perimeter of the site. The footpath running through the car park could lead to increased car crime.

Ramblers Association – Object to the application due to concerns regarding the effect the proposed development may have on the Public Right of Way that runs through, and around the perimeter of the application site.

### **INTERNAL CONSULTEE RESPONSES:**

Planning Policy Officer – It is considered that the proposed development would provide affordable housing within a sustainable location. Provided that the design and layout is seen to be satisfactory, the application should be approved.

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

Highways Authority – The proposed development is considered to be acceptable in terms of access arrangements and parking provision subject to Section 38/278 highways agreements. Concerns have been raised that the proposed development may affect the Public Right of Way, which runs through the site and to the rear of the proposed residential properties. Any application for the diversion of the Public Rights of Way would need to be subject to a subsequent application prior to any works commencing.

### **PUBLIC RESPONSES:**

The application has been advertised in the local press and by way of a site notice. Neighbour consultation letters have also been sent. One letter of representation has been received in support of the proposal; stating: that the proposal will improve the area and make use of vacant land.

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*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=103853>

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## PLANNING CONSIDERATION AND ASSESSMENT

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

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

### Design, Scale and Layout

The design, scale and layout of the development are considered to be generally acceptable. There is no consistent design or use of materials surrounding the site that could influence this scheme and as such the proposed materials are acceptable. The scale of the development is considered to generally reflect the surrounding buildings and the layout is also considered appropriate given the constraints in relation to site shape and location. The scheme achieves the distancing standards set out in the appendix of the District of Easington Local Plan.

Concerns have been raised by the police architectural liaison officer relating to designing out crime, his comments have been passed to the applicant.

### Highways

The submitted plans are considered to be in accordance with Highways Authority advice given at pre-application stage, in relation to parking provision and access arrangements and as such the proposals are considered acceptable. Informal advice has been offered in relation to adoption of footpaths and stopping up orders, this will be passed to the applicant.

### Public Rights of Way

Concerns have been raised during the application process regarding the impact the application may have on an existing Public Right of Way that passes through the site and runs around the southern boundary of the proposed development. During the application process amended plans have been submitted to show the existing footpath retained in its current location, which would appear to overcome these concerns.

An informative is to be added to any grant of planning permission to make clear that the planning permission for this development does not allow the diversion of the existing Public Right of Way, and that the footpath should be kept open during construction works and following completion of the development. Any diversion of the footpath would need to be subject to a subsequent application, and would be controlled by the Local planning Authority.

The Police Liaison Officer has also raised concerns regarding the Public Rights of Way that run through and adjacent to the site. It has been suggested that these are stopped up or diverted to ensure that they cannot be used as through routes and aid crime in the area. Any diversion or stopping up of the existing footpaths to comply with these requests would be unlikely to be supported by the Ramblers Association or Rights of Way Officer without good cause. In this instance, the layout of the proposed development will allow for passive surveillance and improve security, and as such the re-routing of the Public Rights of Way is not considered necessary in this instance.

### Affordable Housing

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

### Play Space

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

### Renewable Energy

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

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## **CONCLUSION**

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

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

The developer has agreed to make a financial contribution by way of a S.106 agreement in lieu of providing play space on the site.

Subject to the completion of the requisite legal agreement and suggested conditions planning permission should be approved.

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## RECOMMENDATION

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

### Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. Prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.
5. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
7. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order,

no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local planning authority.

9. Development shall not commence until a detailed scheme for the diversion or abandonment of Northumbrian Water's apparatus to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in accordance with the approved details.
10. Development shall not commence until a detailed scheme for disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in accordance with the approved details.

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## REASONS FOR THE DECISION

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

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

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

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## BACKGROUND PAPERS

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- 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 new building
- Existing building
- Proposed new landscaping
- Existing landscaping
- Proposed new paving
- Existing paving
- Proposed new drainage
- Existing drainage
- Proposed new utility
- Existing utility

**NOT FOR CONSTRUCTION**

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