

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Thursday, 15th February, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crathorne, Gibbon, Griffin, Grimes, Howarth, Lightley, Shaw, Simpson, Southwell, Stoddart, Syer, Wolstenholme and Young.

Also Present: Councillors Graham, Hepplewhite, Holland, Kellett, Marsden, Moderate, Reynolds, Robinson, Smith and Wynn.

493. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hopgood, Lodge and Walker.

494. MINUTES

The Minutes of the Meeting held on 24th January, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Director of Legal & Administration Services

495. REPORT FOR INFORMATION

The Director of Legal & Administration Services submitted a Report for Information in relation to the cash received by the City Council from developers as part of planning conditions, a copy of which had been placed in the Members' Room.

Resolved: That the report be noted.

Report of Head of Planning Services

496. REPORTS FOR INFORMATION

Reports in relation to the following items had been circulated:-

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Nieuwenhuis – Site at Melkridge House, 95 Gilesgate, Durham, DH1 1JA
 - (ii) Appeal by J Charlton – Site at 224 Finchale Road, Durham, DH1 5QP
 - (iii) Appeal by Dillion Butters – Site at land at former Cape Asbestos Works, Durham Road, Bowburn, Durham
 - (iv) Appeal by C Kell – Site at land to the south west of 27 Steetley Terrace, Quarrington Hill, Durham, DH6 4QJ
 - (v) Appeal by W Fitzsimmons – Site at smallholding at Pit House Lane, Leamside, Durham
 - (vi) Appeal by J Watson – Site at land east of Avenue House, High Shincliffe, Durham, DH1 2PY

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Mr & Mrs S Schofield – Site at 21A Hallgarth Street, Durham
 - (ii) Appeal by Vestbrown Ltd – Site at land adjacent to 11 Parkfield, Parkhill, Coxhoe, Durham
 - (iii) Appeal by A Hodgson – Site at Aldin Grange Hall, Bearpark, Durham, DH7 7AR
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications
- (e) Proposal to serve an Article 4(2) Direction
Crossgate in Durham (City Centre) Conservation Area
- (f) Management Information – Quarterly Reports

Development Control Performance Indicators

It was important that Council Officers and Members received information relating to the performance of the Development Control service as measured by the Government Best Value Performance Indicators (BVPI's). The statistics circulated in the Report for Information indicated a sustained level of improved performance relative to Government targets, within the context of an increased number of applications and a high volume of development enquiries. Measures were being implemented to raise standards of performance and maintain a commitment to continuous improvement via the Council's restructure. There was a regular review of performance relating to Development Control at the Environment and Leisure Performance Clinic.

- (g) Tree Preservation Order
PN1/392 – 6A Fieldhouse Lane, North End, Durham

Resolved: That the reports be noted.

497. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following applications and the following decisions were made:-

- (a) **06/01116/FPA**
Miller Homes Ltd –
North East Region
Durham County Council Service Direct, Finchale Road, Newton Hall, Durham
Erection of 208 dwellings with associated access, parking, SUD provision, and footpath link improvements

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

- (1) The proposed development, by virtue of its housing type mix and lack of affordable housing, would fail to meet the objectives of City of Durham Local Plan 2004 Policy H12 –

Affordable Housing: Ensuring a Range of House Types.

- (2) The proposed development, by virtue of its layout and disposition of dwellings, would lead to conditions prejudicial to the level of residential amenity those living both within the development and bounding it can reasonably expect to enjoy. This would run contrary to the objectives of City of Durham Local Plan 2004 Policy H13 – Residential Areas – Impact upon Character and Amenity.

Note: Councillors Griffin, Grimes, Kellett, Marsden, Reynolds, Robinson, Smith and Syer left the Meeting at 7.05 p.m.

Note: Councillor Moderate left the Meeting at 7.10 p.m.

- (b) 06/01130/CAC
06/01134/CAC
06/01212/FPA
06/01213/FPA
06/01214/FPA
Hope Estates

**7, 8 & 9 Waddington Street, Durham, DH1 4BG
Demolition of rear offshoot in connection with
erection of single storey pitched roof extension to
rear of existing dwelling (resubmission)**

Resolved: (i) That the application nos. 06/01130/CAC and 06/01134/CAC be **REFUSED** for the following reason:-

The Local Planning Authority considers that the application is not accompanied by acceptable development proposals, and is therefore considered contrary to Policies E6 and E22 of the City of Durham Local Plan, 2004.

(ii) That application nos. 06/01212/FPA, 06/01213/FPA and 06/01214/FPA be **REFUSED** for the following reasons:-

- (1) The Local Planning Authority considers that the proposed single storey rear extension, by virtue of its scale, design and materials, would not be sympathetic and sensitive to the character of the area and would therefore fail to preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area, contrary to Policies E6, E22 and Q9 of the City of Durham Local Plan 2004.
- (2) The Local Planning Authority considers that the proposed single storey rear extension would provide additional student accommodation which would adversely affect the amenity of nearby residents and would be out of scale and character with its surroundings contrary to Policy H9 of the City of Durham Local Plan 2004.
- (3) The Local Planning Authority considers that the proposed single storey rear extension would detract from the character of the open

space to the rear of the site which possesses important visual and environmental attributes, contrary to Policy E5a of the City of Durham Local Plan 2004.

Note: Councillors Crathorne, Graham, Hepplewhite, Holland and Wynn left the Meeting at 7.55 p.m.

(c) 06/01158/RM
Alexage Ltd

Land between Dragon Lane and Rennys Lane, Dragonville, Durham
Discharge of reserved matters in respect of layout, scale, appearance, access and landscaping relative to outline planning permission 4/01/146 for Class A1 non food retail development

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

- (1) T1 - Time Limit Full Approval 2004
- (2) DT4 - External Materials
- (3) DT8 - Enclosure Details to be Agreed
- (4) DT10 - Hardstanding Surface Materials
- (5) LA3 - Landscaping Implementation Submitted Schedule
- (6) RU8 - Control of Open Storage
- (7) CL06 - Oil Interceptor
- (8) - Details of all external lighting, including lighting columns, lanterns and the intensity of proposed light levels, shall be agreed in writing with the Local Planning Authority prior to occupation of the approved buildings, and implemented thereafter in full accordance with that agreement.
- (9) - The development shall be laid out in accordance with the approved elevational drawings [34; 350 08].
- (10) - The development shall be laid out in accordance with the "Proposed Layout Plan" [34; 350 04].
- (11) - Prior to the erection of internal walls or other internal fixed structures, which determine the internal layout of the development, layout plans which confirm the location of these walls and structures shall be submitted to, and approved in writing by, the Local Planning Authority. These plans shall be substantially in accordance with the illustrative internal layout plans submitted with the planning application [plan ref: N 34;350 03].

The Meeting terminated at 8.00 p.m.

Chairman

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

8th March 2007

REPORT OF THE DIRECTOR OF LEGAL & ADMINISTRATION SERVICES

1. Report for Information

Section 106 Agreements

Members are asked to note that a report in relation to monies received from developers as part of planning conditions has been placed in the Members' Room in the Town Hall.

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

8th March 2007

REPORT OF THE HEAD OF PLANNING SERVICES

1. Reports for Information

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

1.1 Notice of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Mr S Hoole
Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
- b) Appeal by Highway Media UK Limited
Site at Adolphus Place (Facing Tesco), Dragonville, Durham, DH1 2RG

1.2 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the City Council

- a) Appeal by Mr P Nieuwenhuis
Site at Melkridge House, 95 Gilesgate, Durham
- b) Appeal by Mr A Bayat
Site at 10A Church Street, Coxhoe, Durham
- c) Appeal by J Tilly
Site at 23 Lawson Terrace, Durham

1.3 Planning Applications – Determined under Plenary Powers

1.4 Building Control Applications – Determined under Plenary Powers

2. Decisions made by the County Council

Application No:	CM4/06/1224
Applicant:	Service Direct, Durham County Council
Location:	Service Direct, St John's Road, Meadowfield Industrial Estate, Durham, DH7 8YQ
Proposal:	Erection and display of directional traffic sign

The above application was considered by the City Council under delegated powers on 2 February 2007 when it was resolved to offer no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application subject to conditions.

Recommendation

That the report be noted.

3. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my Recommendations:

Number & Applicant	Location	Proposal	Recommendation
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ITEM NO. 1

06/01210/FPA C H Newton	Beechcroft Broomside Lane Carrville Durham DH1 2QW	Demolition of existing building and erection of 12 no. dwellinghouses with associated access, parking, landscaping and bin storage (revised and resubmitted proposal)	Approve
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ITEM NO. 2

06/01217/OUT Durham & Darlington NHS Trust	Dryburn Park House Dryburn Hill Durham DH1 5AE	Outline planning application for residential development including details of means of access	Approve
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ITEM NO. 3

06/01260/RM Durham Villages Regeneration	Land To South Of Front Street Sherburn Hill Durham	Reserved Matters application in respect of the erection of 33 dwellings with associated garages, roads, engineering works and footpath diversion	Approve
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<p>06/01210/FPA</p> <p>C H Newton</p>	<p>Beechcroft, Broomside Lane, Carrville, Durham</p> <p>Demolition of detached house and erection of 12 dwellinghouses with associated access, parking, landscaping and bin storage (Revised and resubmitted proposal)</p>
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SITE AND APPLICATION DESCRIPTION

Beechcroft is a detached dwelling set in generous tree-lined grounds on the southern side of Broomside Lane at the western entrance to Belmont. The house gained local fame following a fleeting appearance in the Sixties gangster film “Get Carter”.

Following the deaths of the property’s owners, their family wishes to demolish the house and develop the site by erecting 12 houses.

The houses would be arranged around a central courtyard which would contain parking, 24 spaces being proposed. A pitched roof communal bin store building together with cycle parking would also be provided to one side of this central area.

Vehicular access would be taken from Broomside Lane at the site’s north eastern corner, necessitating the removal of a mature tree.

The housing would comprise three two and a half storey linked four bedroomed properties facing Broomside Lane, and two further two and a half storey terraces, set at right angles to one another, to the south. One would be four bedroomed, the remainder three, and together the three terraces would enclose the central parking area and enjoy private gardens.

The architecture is traditional, reflecting the style of the listed former vicarage to the east and former school to the west. The Broomside Lane property frontages would be built in stone, stone colour rendered at the rear, with slate roofs. The other two terraces would be brick-built.

A variety of contrasting surface treatments would be employed within the central courtyard to define carriageway, parking bays, and footpaths. All trees, other than the single specimen it is proposed to be removed to allow vehicular access, would be retained, cared for by a professional arboriculturalist, and protected during the construction period.

The application is supported by a Design and access Statement, and a professional arboricultural report.

RELEVANT HISTORY

An earlier similar application for 13 dwellings was withdrawn following Highway Authority concerns about inadequate manoeuvring space within the parking area, and potential impact on highway safety should those entering the site be hindered by a parking vehicle and forced to partially obstruct Broomside Lane.

POLICIES

NATIONAL POLICY

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

Planning Policy Guidance Note 3 (Housing) gives priority to the development of housing on previously developed land. The guidance note also contains advice on housing densities. This guidance note is currently being revised, and will be replaced by a planning policy statement, which is currently in a draft form.

Planning Policy Statement 3: Housing, while not holding the development plan status of the above PPG3 until 1 April 2007, it is a material consideration in the determination of planning applications. This PPS continues many of the themes of PPG3 and encourages, among other things, the development of Brownfield sites and the delivery of affordable housing.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008

LOCAL POLICIES

City of Durham Local Plan 2004 Policy H2 allows new housing on previously developed land within the Durham City settlement boundary provided other Local Plan policies are not contravened.

Policy Q8 requires a high standard of design and layout for new residential development.

Policy T14 seeks to protect significant trees and hedgerows.

Policy H13 seeks to protect the character and amenity of residential areas.

Policy T1 precludes development that would generate a level of traffic detrimental to highway safety or prejudicial to levels of residential amenity those living close by can reasonably expect to enjoy.

Policy R2 requires informal play space within residential development exceeding 10 dwellings. Should this not be possible, a commuted sum towards off-site play provision within the vicinity is expected.

Policy Q15 requires a public art donation where 10 or more dwellings are proposed.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority finds this proposal acceptable. Access arrangements are considered to be safe, and the local road network adequate to safely accommodate the level of additional traffic expected to be generated by this proposal. For adoption, it is observed that the internal site footpath must be extended to circle the entire central courtyard, with the probable resulting loss of a car parking space. However, the resulting slightly reduced parking provision is still considered to be adequate.

Northumbria Water has withdrawn an initial objection to this proposal that was based upon an inadequacy in the sewage treatment capacity of Belmont Treatment Works. However, as upgrading of the works is shortly to get underway, the water authority is now of the view that earlier grounds for objection no longer apply.

INTERNAL RESPONSES

The City Council's Environmental Health Manager has examined the proposals and raises no objections.

PUBLIC RESPONSES

Letters of opposition have been received from Belmont Parish Council, City of Durham Trust, and seven members of the public, six of whom are local residents, the seventh a resident of South Shields.

Main issues raised are:

1. The inability of Broomside Lane to safely cope with the additional traffic generated by this proposal; the inadequacy of the site's vehicular access – particularly in respect of sight lines; the impact on the safe use of the existing vehicular access to Broom Cottage which lies opposite; and the likelihood by those both occupying and visiting the proposed development of parking on Broomside Lane – said to be a both busy and comparatively narrow road, particularly in front of Broom Cottage where parking restrictions do not apply, and thus prejudicing sight lines for those wishing to safely manoeuvre onto that road.
2. The loss of a protected tree deemed necessary by the applicants to allow vehicular access.
3. The impact of the development on the character of Belmont through the development of a large and prominent garden alongside one of its main access routes.
4. The demolition of a sound house, particularly as it would result in the loss of a local connection with “cult” film “Get Carter”.
5. An oversupply of housing in Durham, and an absence of an “affordable” element within the scheme.
6. The impact upon the immediate neighbour to the west living at the Old School in terms of privacy, security, and quality of life, with particular reference to potential overlooking by residents of the proposed development, and the close proximity of the proposed cycle park and bin store.

PLANNING CONSIDERATIONS

Beechcroft is an unlisted building of no outstanding architectural merit located within the Durham City settlement boundary. Accordingly the principle of its redevelopment for housing is acceptable and compliant with the objectives of Local plan Policy H2. Furthermore, the site's position in a highly sustainable location close to services and facilities, and accessibility by a range of transport means, including the bus, meets Government objectives contained within PPS3.

The design and layout of the proposal have been carefully evaluated by my Heritage and Design colleagues, as has the impact upon the character and appearance of this busy and prominent entrance to Belmont. The conclusion is that, subject to a careful choice of building materials, the scheme is capable of successfully merging with its surroundings. Broomside Lane is characterised primarily by large detached properties in landscaped settings. This has been acknowledged by this proposal. The dwellings that would face Broomside Lane have been designed to appear as one large house with a stone façade, reflecting neighbouring properties such as the Old School. The majority of the site's trees would be retained and professionally managed. I must therefore conclude that this proposal will not be materially detrimental to the character and appearance of Broomside Lane.

In other respects I am of the firm view that the development has been carefully considered by its architect, with a cohesive layout around a central courtyard, a sound home-garden relationship, and respect for its surroundings. I must therefore conclude that the objectives of Local Plan Policy Q8 have been met.

I am most mindful of the strongly held concerns of those who consider matters of highway safety to be prejudiced by this proposal, particularly the family living opposite at Broom Cottage. However, I am bound to attach considerable weight to the judgement of the Local Highway Authority when it unequivocally states that the local road infrastructure is capable of safely accommodating the level of traffic anticipated to be generated by this proposal, that access arrangements are safe, and that parking provision, even were it to be reduced from 24 spaces to 23 as a result of adoption requirements, is adequate.

I entirely understand the concerns of those living in Broom Cottage that, due to parking restrictions on the southern carriageway of Broomside Lane those seeking to park in the vicinity must park on the unrestricted northern carriageway in front of their property, restricting their vision when exiting their drive. However, as this can take place now, the judgement I must make is whether it is more likely to happen as a result of this proposal. I have discussed this question with the Highway Authority, and it is my conclusion that, in the absence of compelling evidence to the contrary, there is not an inevitability that such increased on-street parking will result from this proposal, especially as on-site parking has been accepted as adequate and appropriate by that authority. Accordingly, I see no justification in resisting this application on such a basis, and that on balance I consider the overall objectives of Local Plan Policy T1 to have been met.

The loss of even a single protected tree is regrettable, but must be weighed against the overall merits of this development. The remaining trees, all of which are the subject of a Tree Preservation Order, would be managed and protected in line with the submitted arboricultural report. The only safe vehicular access to the site is the one chosen, thus a tree removal is inevitable if the scheme is to proceed. I have discussed this dilemma with my arboricultural advisors and it is my considered conclusion that the visual impact of that single tree would not result in such a significant impact to justify the scheme's refusal on such grounds alone.

As discussed earlier, the scheme's design has, in my view, been carefully executed, with due regard given to its surroundings. I am therefore unable to agree with those who maintain that the character and appearance of the western entrance to Belmont would be materially harmed by this proposal.

Since its brief appearance in "Get Carter" Beechcroft has undergone significant alterations, and is barely recognisable as the house in the film. Thus, given its limited architectural merit, I see no reason to argue for its retention.

In regard to housing supply, it is my clear understanding, based upon legal advice, that there is currently no national, regional, nor local planning policy basis for the restriction of "brown field" windfall site development for housing within settlement boundaries. Hence, in the consideration of such proposals, the adopted Local Plan must take primacy, and Policy H2 very clearly allows new residential development on such land. However, the emerging Local Development Framework (LDF), to which only very limited weight can be attached at present, will address housing numbers and give due regard to national and regional planning policy prevailing at the time.

A requirement for "affordable" housing does not apply as this proposal is for less than 25 houses, the threshold specified in the relevant Local Plan policy.

I have examined closely the potential impact of these proposals upon the Old School resident living immediately to the west of the application site. This is the nearest residential property to Beechcroft, and would be separated from the nearest proposed dwelling by 15 metres at the closest point. However, as that dwelling would have no habitable room windows on its east elevation, and there would be an intervening 2 metre high boundary wall topped by fencing, I do not consider this distance to be unreasonable, nor privacy prejudiced. I accept that the Old School first floor bedroom windows would have views over the boundary wall and fence, but as they would be approximately 19 metres away from the proposed dwelling I am again unable to accept that privacy would be diminished.

I have also carefully considered the proximity of the proposed bin store and cycle park to the Old School boundary. The bin store would be a fully enclosed, with entrance doors facing away from the boundary. Both it and the cycle store would be largely hidden from the Old School by the boundary wall and fence. My Environmental Health advisors do not consider any public health issues to be raised by the bin's location. I must therefore conclude that there is little likelihood of the Old School resident's privacy, amenity levels, or quality of life being materially diminished as a result of this proposal, and that the objectives of Local plan Policy H13 have been met.

On balance, therefore, I am able to support this application. I readily accept that its approval will result in significant change within this attractive entrance to Belmont, but that in itself is no reason for rejection. All key planning policy objectives are met, and whilst sympathising with the genuine concerns of those living close by, I am unaware of any sustainable basis for the refusal of this proposal.

This is an opportunity to redevelop a property no longer viewed as being viable by its owners in a positive manner. Much higher density development would result, but this is actively encouraged by Government when in such a sustainable location. Accordingly, subject to appropriate conditions, to include a commuted sum for play space, a percentage for art, and the provision of a strategy for the provision of off-street construction traffic parking, I recommend the approval of this application.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

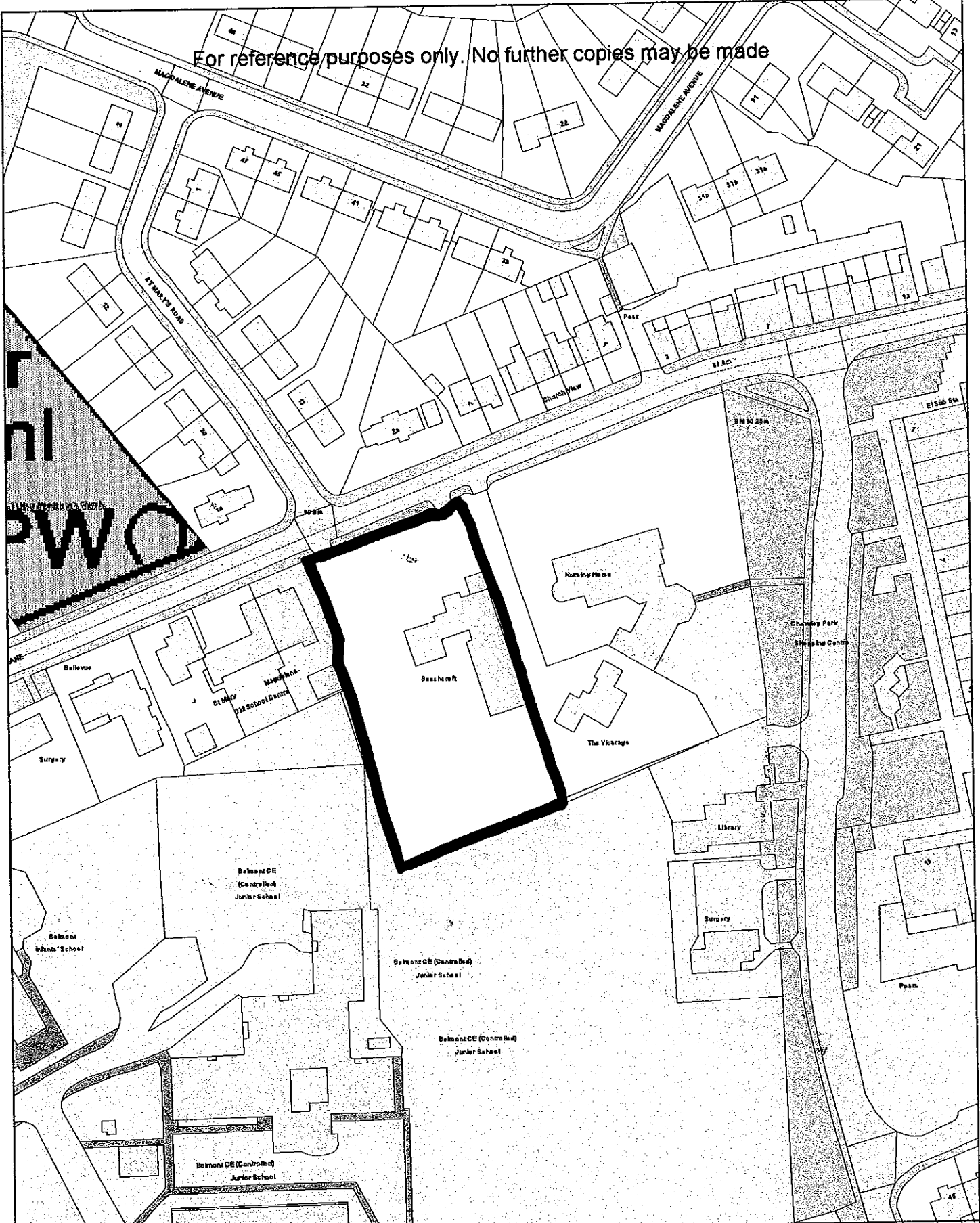
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
8. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
9. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
10. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
11. Notwithstanding the information shown on the submitted plans a fence/wall/hedge shall be erected/planted of a height and design and in a position to be agreed in writing with the Local Planning Authority at the site boundary with the Old School House, and thereafter retained at all times.
12. Prior to any development commencing, a scheme for off-street parking for all vehicles associated in any way with construction work on the Beechcroft site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be carried out in full.
13. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision (in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as Part of Major New Development Schemes' (2006)) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.
14. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged

with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.

BACKGROUND PAPERS

Submitted application forms, supporting documents, and associated drawings
Government planning policy contained in PPS 3
City of Durham Local Plan 2004
Statutory, internal, and public consultation responses

For reference purposes only. No further copies may be made



City of Durham
Planning Services

Application No. 4/06/01210/FPA
 Beechcroft, Broomside Lane, Carrville

Comments

Date 22 February 2007 **Scale** 1:1250

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<p>06/01217/OUT</p> <p>Durham & Darlington Acute Hospitals NHS Trust</p>	<p>Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham</p> <p>Outline application for residential development including details of means of access</p>
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SITE AND APPLICATION DESCRIPTION

The application site relates to Dryburn Park House, a former community hospital located in the North of the City. The site consists of the now disused two-storey flat roofed hospital building, set amongst spacious grounds which containing many mature trees, and extends to some 0.81ha. There is a boundary hedge around the north east and North West sides of the site. The existing access is taken from Dryburn Hill. The University Hospital is located to the south east of the site but the surrounding area is otherwise predominantly residential, with a variety of different house types in the locality.

This outline application seeks to establish the principle of developing the site for residential use and includes details of the means of access to the site leaving other matters for a detailed submission. However, in line with the revisions made to the outline procedure in accordance with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006, the applicants have provided an indicative development layout within the site, an indication of the number of units to be provided and the upper and lower limits for the height of new buildings. As such, the applicants consider the site able to provide between 24 and 40 units and would range in height from 8.5m to 13.0m.

RELEVANT HISTORY

Outline planning approval has been granted previously (4/06/00679/OUT) for residential use of a large part of the site. The previous application did not include an area of land immediately adjacent to Dryburn Hill, through which the access is proposed. The applicants have reached an agreement with the Police Authority to develop this area of land, and the site is now increased in size to 0.81ha.

On 31 October 2006 the Council served a temporary Tree Preservation Order on 29 trees within, although largely around the perimeter of the site. The Order was served in order to ensure the protection of the trees which are deemed important in the interests of local, visual amenity.

POLICIES:

NATIONAL POLICIES

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

Planning Policy Guidance Note 3 (Housing) gives priority to the development of housing on previously developed land. The guidance note also contains advice on housing densities. This guidance note is currently being revised, and will be replaced by a planning policy statement, which is currently in a draft form.

Planning Policy Statement 3: Housing, while not holding the development plan status of the above PPG3 until 1 April 2007, it is a material consideration in the determination of planning applications. This PPS continues many of the themes of PPG3 and encourages, among other things, the development of Brownfield sites and the delivery of affordable housing.

Planning Policy Statement 9: Biodiversity and Geological Conservation, aims to ensure that planning decisions maintain, restore or enhance biological diversity and geological conservation interests. Local Authorities are therefore required to ensure that appropriate weight is attached to protected species including Biodiversity Action Plan habitats and to biological and geological interest within the wider community.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008.

LOCAL PLAN POLICIES

Policy E12 (Derelict Land) states that the Council will improve the appearance of the district by seeking the beneficial use of areas of vacant and underused land and buildings.

Policy E14 (Protection of Existing Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. 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 E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

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

Policy H12 (Affordable Housing: Ensuring a Range of House Types) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity.

Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain at an affordable price for future eligible households.

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 state that the layout and design of all new development should take into account the requirements of all users. Policy T10 states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

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

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

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

Policy Q5 (Landscaping) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping. Policy Q6 requires all new developments on the edge of settlements or exposed sites to include peripheral structural landscaping within the site in order to minimise any adverse visual impacts.

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

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raise no objection to the proposals, subject to the provision of an improved access with Dryburn Hill and the provision of footpath connections between the development and existing footways along the north side of Dryburn Hill.

Northumbrian Water objects to the proposal. A public sewer crosses the site running parallel with the north-western boundary of the site and development is not permitted over the sewer. The sewer would require diversion at the applicant's expense and such an agreement to be in place prior to the commencement of development on site.

The Environment Agency raises no objection to the proposals, subject to suitable connections to sewage waste disposals system.

INTERNAL RESPONSES

None.

PUBLIC RESPONSES

Only one letter of objection has been received, and they are concerned that existing parking difficulties in Dryburn Hill will be exacerbated if the development does not provide sufficient levels of parking for prospective residents.

The applicants have undertaken pre-application consultation with the local community and have included the responses they have received with the submitted information. The main concerns raised relate to traffic, access and parking, privacy and overlooking, loss of landscaping, drainage issues, disturbance caused by builders and the devaluation of property prices. Some of the responses did not suggest outright opposition to development provided that any scheme is well designed and manages to take account of the above concerns.

PLANNING CONSIDERATIONS

The enlarged application site, although now encompassing land historically in separate ownership has always been associated with the community hospital and as such the entire site comprises previously developed 'brownfield' land within the settlement boundary of Durham. Residential development on such a site would therefore be consistent with national and local planning policies aimed at making the best use of previously developed sites so that the development of greenfield sites can be avoided. There is no other land use allocation for this site within the Local Plan that would preclude residential development. The development would involve the loss of a community hospital facility, but the relevant facilities are now being provided elsewhere in the locality, which 'frees up' the site for redevelopment.

The existing building on the site is positioned well behind significant tree planting, and is therefore a relatively innocuous and unobtrusive structure although it is of poor architectural quality. The building is not worthy of retention from either a historical or architectural perspective, so the principle of its demolition to allow for the redevelopment of the site is acceptable.

At this outline stage the only matter for consideration is the means of access to the site. The site is currently accessed from Dryburn Hill, itself coming from Dryburn Road. The proposals seek to make use of this access while upgrading it in accordance with County Highway Authority standards. The Highway Authority is satisfied that the access point is acceptable and the proposal would be without detriment to highway safety in accordance with Policy T1.

The main considerations therefore relate to the additional level of information provided in accordance with the revised outline procedure, the implications in respect of the trees on the site, and material changes in the status of the development plan.

The details of the design and external appearance of new buildings are reserved for a further application and pre-submission advice should be sought and heeded by the applicant(s) for a detailed consent. There is a variety of different house types around the site and it is not necessary to mimic a particular form of development. However, the choice of the scales and materials of new buildings will be particularly important, and a high standard of design is expected for this site which takes account of the quality trees and hedges and the changes in levels across the site. Provided that any development is prepared along these principles, there is an excellent opportunity to visually enhance the site and improve the local environment. An energy efficient and sustainable design would be favourable. The density

of any development would need to be consistent with advice in Planning Policy Guidance Note 3 on making the best use of previously developed land, although this must not be at the expense of the character of the local residential environment and the quality landscape features on the site. The indicted number of units at between 24 and 40 would provide dwellings at a density of between 30 and 50 per hectare. Emerging PPS 3 advises that 30 dwellings per hectare should be a national indicative minimum. Clearly, any development at a higher density would make more efficient use of land.

The submitted Design and Access Statement provides indicative building heights of between 8.5 and 13.0m. This would allow for a mix of housing types, and would range from two to four-storey buildings. The surrounding area is generally two-storey in character, however, it is considered that given the changes in levels across the site and the prominence of the site that a successful development could be achieved at three-storey level. A four-storey development would be inappropriate in this area and as such it is proposed to impose a condition which restricts the overall height of buildings to three-storeys thereby allowing a range of house types to be proposed at reserved matter stage while ensuring that the development respects the character of its surroundings.

The Council's Cabinet approved a Supplementary Planning Document (SPD) on the provision of Affordable Housing in December 2006. This document is supplementary to Policy H12 of the Local Plan and seeks the provision of affordable housing on sites in excess of 25 units or 1.0ha. The application site, although under 1.0ha will provide over 25 units and the policy should therefore apply. The SPD advises that 30% of all units on sites over 25 should be affordable. The previous outline proposal did not include the requirement for affordable housing since it was determined prior to the Cabinet approval of the SPD. The applicants have sought to reach agreement with the Council as to the level of affordable housing to be provided on the site. They believe it would be inappropriate to require the full 30% given the existing outline consent and their ability to submit an outline application for the additional area of land alone, which would neither provide over 25 units or be in excess of 1.0ha. A situation could arise whereby no affordable housing provision would be made on the site of the community hospital. The applicants have indicted that the inclusion of the Police Authority land would provide an additional 4 units on the overall site, and have advised that they would be willing to provide 4 affordable units on the site. Given the potential for having no affordable housing, it is considered that this is an acceptable level and would see the commencement of the implementation of the Council's Affordable Housing policy. These are exceptional circumstances given the previous outline consent and it should be made clear that on sites in the future, developers will be expected to provide the full level of affordable housing as required at Policy H12 and the associated SPD.

A temporary Tree Preservation Order was served following the determination of the previous application in order to afford the trees a greater level of protection. A total of 29 trees largely around the perimeter of the site have been included within the order, and following representations made on behalf of the applicant, the Council's Landscape Architect intends to confirm the order before the expiration of 6 months from the date it was served and it is intended to confirm the order in respect of all of the trees. This will provide the developer with certainty as to which trees must be retained. The Council's Landscape Architect has advised however, that certain trees included within the order could be removed though a TPO application, subject to suitable replacement within the site. In the light of the TPO, trees on the site are protected and development would accord with Policy E14.

The sole letter of objection is concerned by existing parking difficulties and that without sufficient parking within the development itself these difficulties would be exacerbated. The development will be required to provide a maximum of 1.5 spaces per dwelling, and being in a sustainable location in relatively close proximity of the City Centre and bus routes, provision above that level would not be encouraged. A more detailed reserved matters application will enable full consideration of the level of on-site parking provision in relation to the number of units proposed.

Further objection to the scheme comes from Northumbrian Water who is concerned that a public sewer runs through the site. The eventual developer of the site will be required to reach agreement with Northumbrian Water and meet the costs of relocating the public sewer as building over it is not permitted. The sewer runs parallel with the north-western boundary and along the edge of the existing building. It is likely that given the limited number of trees on that part of the site that the detailed submission will result in development where the sewer runs and it is likely therefore to require relocation. It is considered that the existence of a public sewer on the site is insufficient to uphold planning permission, and the developer shall be advised of their obligations in this respect.

The applicant has also provided a bat survey in support of the application. No bats were seen to emerge from the building despite intensive observations. No bat roosts exist within the building but bats do utilise the site as a feeding area, and the trees and building create a corridor. Provided that new buildings on the site are sensitively located, it is considered that the demolition of the building and its replacement with new buildings would therefore have a neutral impact upon bats in the locality. However, mitigation measures are proposed if bats are subsequently found during construction works. Natural England has commented on the application and has advised that while the survey did not unearth bat roosts during the time of the survey, it did not take account of year-round bat movements and conditions are suggested to address this issue. The building is not accessible to barn owls although Officers would welcome a report at the detailed planning stage to set out how a detailed scheme would take account of local wildlife interests.

As this scheme would create over ten units, Policy R2 (Provision of Open Space - New Residential Development) of the Local Plan is relevant. Therefore, in accordance with this policy, any successful application for a residential development would be required to provide an appropriate amount of amenity space and informal play space. If this was not achieved on the site, the developer would be required to provide a commuted sum to facilitate the provision of new facilities elsewhere in the local area. This matter would be addressed through the imposition of a suitable planning condition if the application is successful.

In conclusion, it is considered that the redevelopment of this previously developed site for residential use is acceptable in accordance with both national and local planning policy. The proposals would ensure the re-use of a now disused site. The access arrangements are acceptable and parking provision can be made within the site. There is the potential to accommodate a form of development that does not detract from the privacy of nearby residents, while the retention of mature trees on the site with their increased level of protection will contribute to the overall character of the future development on site. The provision of an element of affordable housing on the site will assist in providing homes for eligible households whose needs are not met by the market in perpetuity. Approval of the application is therefore recommended, subject to appropriate conditions to guide the reserved matters submission and the eventual redevelopment of the site.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
8. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by an Arboricultural Implications Assessment report, which shall include the following:
 - a. A tree survey plan that shows the position of every tree on site with a stem diameter measured at 1.5 metres above ground level.
 - b. A tree schedule as required at para. 4.2.6 of BS5837.
 - c. A tree retention / removal plan showing location of all trees in the context of site proposals. No trees shall be removed without Local Planning Authority written approval.
 - d. A schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed or pruned.
 - e. The details of any proposed changes in existing ground levels or proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - f. A Tree Protection Plan, in accordance with BS5837:2005, with details of all appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - g. A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
9. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a Protected Species Report which shall include details of the following:
 - a. Works at the site will proceed to a method statement to be provided by the project ecologist, in order to minimise the residual risk of bats being harmed by the works
 - b. High risk features, such as fascia boards, will be demolished by hand to reduce the risk of bats being harmed. Such methods will be provided within the method statement and the project ecologist will be present on site when such works commence.

- c. Demolition works will only commence following a further activity survey at the site immediately prior to the start of works, to ensure that the status of the site has not changed.
- d. Mitigation will be implemented which is designed to maintain/enhance the quality of habitat in the area for bats following on from the development. Such works will include the provision of alternative roost sites, such as bat boxes within the trees to be retained.
- e. The design scheme will take into account the presence of foraging bats within the site and will include features which will maintain or enhance the local habitat e.g. the use of high intensity lighting will be avoided, particularly along the edge of the woodland to the south of the site.
- f. Any trees within the site which will be felled or affected by the proposals will be assessed for their potential to support roosting bats prior to the submission of rested matters.
- g. Consideration will also be given to the potential presence of breeding birds within the site, particularly within the mature trees. Works which will affect potential nesting habitat will not commence during the bird breeding season (March-September inclusive) unless an appropriately qualified ecologist has shown nests to be absent immediately prior to the start of works.

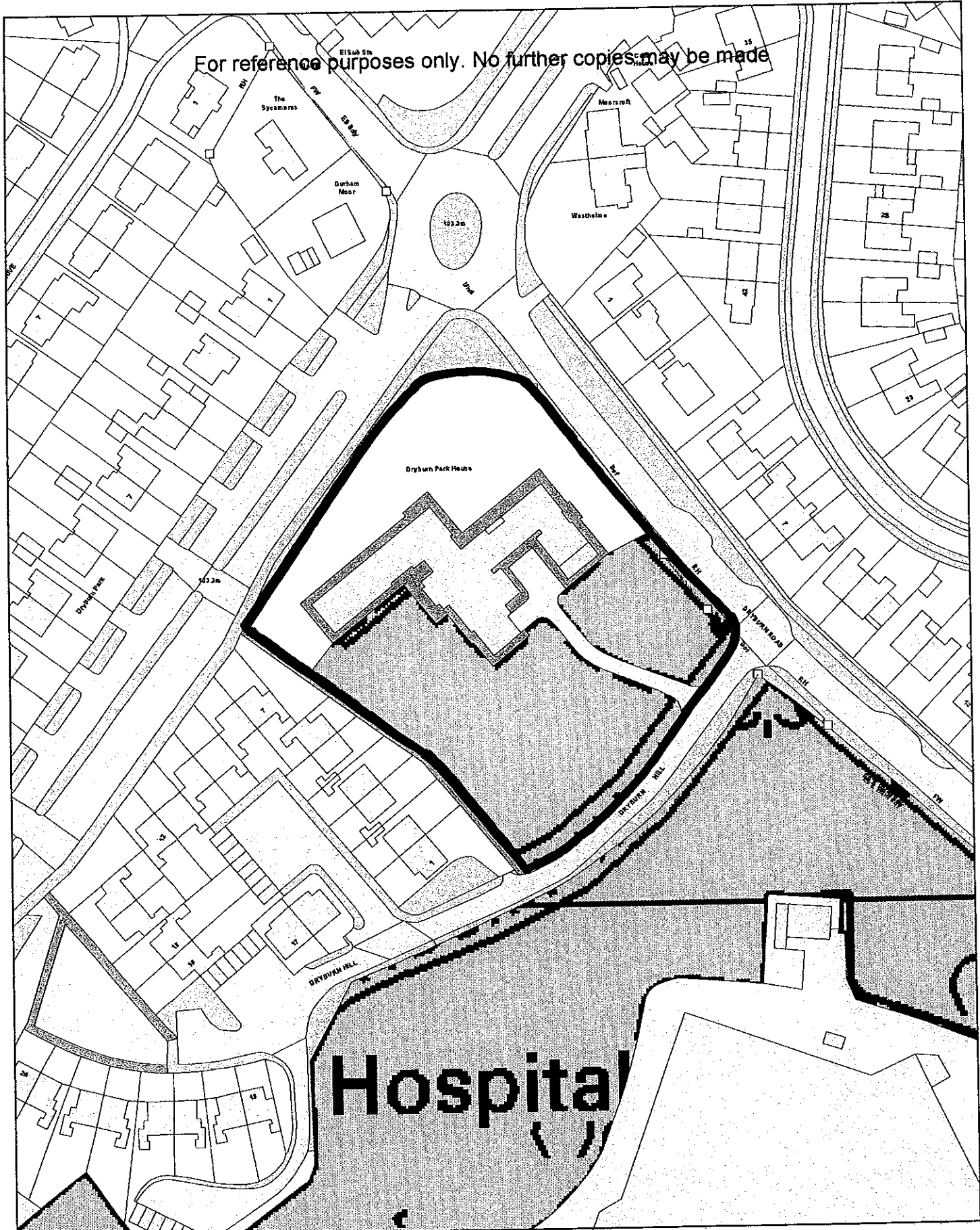
No development shall take place unless in accordance with the mitigation recommendations detailed within the submitted report having regard for 'a-g' above.

- 10. No building on any part of the development hereby permitted shall exceed three-storays in height.
- 11. No development shall be begun until the details of the arrangements for the provision of 4 affordable housing units on the site as part of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include: the type and location on the site of the affordable housing provision to be made; the timing of the construction of the affordable housing; the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing; and, the means by which such occupancy criteria shall be enforced. The affordable housing shall be provided in accordance with the approved arrangements.
- 12. Should the reserved matters application subsequent to this planning permission result in the development of ten or more units, the development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.
- 13. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision (in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as Part of Major New Development Schemes' (2006)) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Bat Survey produced by Durham Wildlife Services
Design and Access Statement
Representations to temporary TPO
Pre-development Arboricultural Survey
City of Durham Local Plan 2004
Responses from Northumbrian Water, Environment Agency, County Highway Authority, and
Natural England
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/06/01217/OUT
Dryburn Park House, Dryburn Hill, Durham

Comments

Date

22 February 2007

Scale

1:1250

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<p>06/01260/RM</p> <p>Durham Villages Regeneration</p>	<p>Land to south of Front Street, Sherburn Hill, Durham</p> <p>Reserved matters application in respect of the erection of 33 dwellings with associated garages, roads, engineering works, and footpath diversion</p>
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SITE AND APPLICATION DESCRIPTION

Following outline planning permission being granted for residential development in 2005, the discharge of reserved matters relating to siting, design and external appearance, means of access, and landscaping are now being sought in respect of a piece of land at the eastern edge of Sherburn Hill.

The land sits prominently at the top of the hill that lends this village its name. To the north, across the B1283 Durham-Haswell Plough road, lie recently built private housing and a Salvation Army hall, with a Sherburn Hill County Mixed School to the north west. To the south, open countryside drops away steeply towards the village of Shadforth. To the east lies the crossroad where the east-west running B1283 intersects with the north-south running Littletown - Shadforth road, with open countryside beyond, while to the west the site is abutted by the ends of parallel housing terraces Co-operative Villas and Brighton Terrace, with the remainder of Sherburn Hill dropping away beyond.

The site was originally occupied in part by a commercial garage, the rest being open.

The proposal is to create a street frontage of both terraced and detached housing, separated only by narrow gated openings, along the sites northern and eastern edges, with vehicular access taken centrally off the B1283, and a landscaped north-eastern corner, behind which housing would sit overlooking the crossroads.

Within the site housing would be arranged around a series of cul-de-sac, with larger detached properties at the development's southern edge arranged to take advantage of clear open country views.

The land's current use, in part, for informal recreation is respected by the southern extremity remaining open and undeveloped. Existing trees would remain, and a footpath crossing the site would be diverted to run through the development, allowing a pedestrian route between the Front Street and countryside to the south.

The architecture is traditional, with a mix of two and two and a half story units with two, three and four bedrooms. Parking provision varies across the site, with a greater number of spaces allocated to the larger dwellings than to the terraces, with the use of both garaging and hardstandings. The scheme would be fully landscaped.

The application is supported by a Design and Access Statement.

RELEVANT HISTORY

Outline planning permission for the site's development for residential purposes was granted in June 2005.

Previously, in January 2005 reserved matters had been discharged relative to the redevelopment of the part of the site then occupied by a commercial garage by the erection of apartments, outline planning consent having been granted in August 2004.

POLICIES:

NATIONAL POLICIES

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

Planning Policy Guidance Note 3 (Housing) gives priority to the development of housing on previously developed land. The guidance note also contains advice on housing densities. This guidance note is currently being revised, and will be replaced by a planning policy statement, which is currently in a draft form.

Planning Policy Statement 3: Housing, while not holding the development plan status of the above PPG3 until 1 April 2007, it is a material consideration in the determination of planning applications. This PPS continues many of the themes of PPG3 and encourages, among other things, the development of Brownfield sites and the delivery of affordable housing.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008

LOCAL PLAN POLICIES

City of Durham Local Plan 2004 Policy Q8 seeks to achieve high quality design and layouts in respective residential development.

Policy T10 states that on-site parking should be restricted to promote sustainable transport choices.

Policy E14 seeks to protect important trees and hedgerows on development sites.

Policy E15 promotes tree and hedgerow planting where appropriate on development sites.

Policy Q5 promotes a high standard of landscaping on new development sites.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority's initial concerns regarding sight lines when entering and leaving the main vehicular access to the site, and the back land entrance between the site's western boundary and Co-operative Terrace have now been addressed by the applicants through the adjustment of building lines. In other respects the Highway Authority is content with the proposals, accepting the access arrangements and internal road layout as being safe and parking levels satisfactory.

Northumbrian Water has also withdrawn its initial objection which resulted from a main sewer being built over. An amendment to the layout has now successfully addressed that concern.

The Environment Agency offers no objection to this proposal, but wishes to remind the developers of their responsibilities in regard to ensuring any necessary decontamination of the site is carried out in full.

INTERNAL RESPONSES

None.

PUBLIC RESPONSES

Objections to the application have been received from Shadforth Parish Council and a Co-operative Terrace resident. Concerns include the loss of an important open space widely enjoyed by villagers, close proximity of the development to a primary school with attendant road safety risks by virtue of increased neighbourhood traffic, loss of a bus stop, additional demand placed upon a village suffering poor water pressure and regular drainage blockage due to old pipes, harmful visual impact on the entrance to the village, impact on trees, impact on general highway safety as a result of inadequate sight lines, and instability of the site as a result of fissures.

The City of Durham Trust, whilst sympathetic to the regeneration objectives of the development of this land opposes the extent of development, particularly the inclusion of that which has been used by the community for recreation and not recently been built on. The absence of “affordable” housing, and the inclusion of a number of large houses, unattractive to first time buyers, is also remarked upon.

PLANNING CONSIDERATIONS

The acceptability of the principle of this site’s development for housing was established in 2005 when outline planning permission was granted. Accordingly, I am able to attach little weight to objections to the use of this land. However, the site’s prominent location and current use for informal recreation has been recognised by the developers, with a significant amount of open space retained along the southern edge. Similarly, all significant trees will be retained.

Both Highway and Water Authorities have accepted the amended proposals, therefore I am satisfied that issues of road safety, including proximity of the school, bus stop relocation and adequacy of sight lines; and of water supply and sewerage treatment have been addressed to the satisfaction of these bodies.

The applicants are painfully aware of the site’s fissures, made up of a series of elongated openings caused by cracking and splitting within the land’s geology, and have a strategy to address the issue. While not essentially a material consideration, given the outline planning permission already in place, I am satisfied that this matter can be properly resolved.

I do consider the impact of these proposals on the character and appearance of the village to be highly material to the consideration of this application. In regard to this issue, having taken appropriate advice from my colleagues within the City Council’s Heritage and Design team, it is my conclusion that the scheme’s sensitive design and layout should visually enhance the eastern entrance to Sherburn Hill. The removal of a decaying commercial garage alone must be a positive step towards the improvement of the village, and I am firmly of the view that this positive investment may well be the catalyst for further investment and physical enhancement within the settlement.

Members will recall the regeneration benefits of this development which were explained at the outline application’s committee presentation, the provision of a new community centre for the village being one of the consequences of the land sale.

In regard to the City of Durham Trust’s remarks, I must again make it clear that the principal of this site’s development has been established, and only matters relating to the “reserved matters” are now under consideration. Accordingly, the matter of “affordability” is not relevant here as it did not form part of the outline consent. However, I consider the overall benefits for

Sherburn Hill to be readily apparent, and the mix of housing proposed entirely appropriate, with a wide range provided.

In conclusion, I readily support this proposal subject to appropriate conditions.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
8. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.

9. No development approved by this planning permission shall be commenced until:
 - a] A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information in a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b] A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing, by the LPA, prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - * a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - * refinement of the Conceptual Model, and
 - * the development of a Method Statement detailing the remediation requirements.
 - c] The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
 - d] A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.
10. The development of the site should be carried out in accordance with the approved Method Statement.
11. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained, written approval from the LPA for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
12. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
13. Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority.
14. The proposed garage(s) shown on (Layout Plan 4 Dwg No: 467/4) shall be implemented in accordance with the agreed details and retained thereafter for the parking of private vehicles and shall not be used as or converted into habitable accommodation, unless otherwise agreed in writing with the Local Planning Authority.
15. A visibility splay of 9 metres x 90 metres shall be maintained at all times for those entering the B1283 from Crime Rigg Bank to the south. This shall preclude, inter alia, the erection of any structure or growing of any vegetation to a height greater than 600 millimetres within that splay.

BACKGROUND PAPERS

Submitted application forms, supporting documents, and associated drawings
Outline planning application approval 4/04/1383
City of Durham Local Plan 2004
Statutory and public consultation responses

For reference purposes only. No further copies may be made

Sherburn Hill
County Aldon
Standa School



City of Durham
Planning Services

Application No. 4/06/01260/RM
Land To South Of Front Street, Sherburn Hill

Comments

Date 22 February 2007 **Scale** 1:1250

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CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE 8th March 2007

Reports for Information

REPORT FOR INFORMATION

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

8th March 2007

REPORT OF DIRECTOR OF LEGAL & ADMINISTRATION SERVICES

Section 106 Agreements

These relate to cash received from developers as part of planning conditions. They are held for application against the provision of community recreation and other facilities and the amounts held relate to:-

	Brought Forward 01/04/06 £	Received in Year £	Applied / Allocated in Year £	Carried Forward 31/12/06 £
S106 Sherburn SC	16,543	-	-	16,543
S106 Land at Moor Crescent	10,125	-	-	10,125
S106 Belmont (Play Facilities)	21,060	-	-	21,060
S106 Bowburn Hall	11,630	-	-	11,630
S106 Rock Terrace, New Brancepeth	3,645	-	-	3,645
S106 Lowland House	985	-	-	985
S106 High Street, Carrville	-	6,480	-	6,480
S106 Court Lane, Durham	-	6,885	-	6,885
S106 Browns Bus Dev., New Brancepeth	-	8,100	-	8,100
Totals	63,988	21,465	-	85,453

Recommended: That the report be noted.

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

8th March 2007

REPORT OF THE HEAD OF PLANNING SERVICES

1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council

**1.1 Appeal by Mr S Hoole
Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS**

An appeal has been lodged by Mr S Hoole against the Council's refusal to grant planning permission for engineering operations including alterations to ground levels and erection of retaining wall with timber fence atop (revised and resubmitted proposal) at 24 Brookside, Witton Gilbert, Durham, DH7 6RS

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

Recommendation

That the report be noted.

**1.2 Appeal by Highway Media UK Limited
Site at 7 Adolphus Place (Facing Tesco), Dragonville, Durham, DH1 2RG**

An appeal has been lodged by High Media UK Limited against the Council's refusal to grant planning permission for the retention of a poster hoarding at 7 Adolphus Place (Facing Tesco), Dragonville, Durham, DH1 2RG

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

Recommendation

That the report be noted.

2. Notice of the Outcome of Planning / Enforcement Appeals which have been lodged with the City Council

2.1 Appeal by Mr P Nieuwenhuis Site at Melkridge House, 95 Gilesgate, Durham

The above appeal against the Council's refusal to grant planning permission for the erection of an open sided car port at Melkridge House, 95 Gilesgate, Durham has been allowed. (See Appendix A)

Recommendation

That the report be noted.

2.2 Appeal by Mr A Bayat Site at 10A Church Street, Coxhoe, Durham

The above appeal against the Council's refusal to grant planning permission for the change of use to hot food takeaway (Class A5) at 10A Church Street, Coxhoe, Durham has been allowed. (See Appendix B)

Recommendation

That the report be noted.

2.3 Appeal by J Tilly Site at 23 Lawson Terrace, Durham

The above appeal against the Council's refusal to grant planning permission for the Various alterations including erection of building within rear yard to provide two additional bedrooms linked to dwelling by covered walkway at 23 Lawson Terrace, Durham has been allowed. (See Appendix C)

Recommendation

That the report be noted.

3. Planning Applications determined under Plenary Powers

Attached in Appendix D are the lists of applications and conditions where decisions have been made under the Plenary Powers since the previous Committee.

4. Building Control Applications determined under Plenary Powers

Attached in Appendix E are the lists of applications where decisions have been made under Plenary Powers. I have also listed the building notices received.



Appeal Decision

Site visit made on 15 January 2007

by **John L Gray** DipArch MSc Registered Architect

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 29 January 2007

Appeal Ref. APP/Z1320/A/06/2028802

Melkridge House, 95 Gilesgate, Durham, DH1 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Paul Nieuwenhuis against the decision of Durham City Council.
- The application, ref. 4/06/00208/FPA, dated 15 February 2006, was refused by the Council by notice dated 22 June 2006.
- The development proposed is an open-sided car port.

Summary of decision: the appeal is allowed and planning permission granted in the terms set out in the formal decision below.

Reasons

1. The car port is partially constructed and comprises two timber posts and two slender metal posts supporting a roof structure which has yet to be completed. I do not have the details of the foundations for the four supporting posts but, even so, I find it highly unlikely that they have interrupted the root system of the protected tree to any significantly harmful extent. There is a large area of block paving extending almost wholly across the garden for the combined width of the car port and adjacent access. I do not have information on the sub-structure specification but the joints do not appear to be cemented. The previous surface is said to have been tarmac, which the Council does not dispute. So far as I can tell, therefore, what is there now is probably better, and certainly no worse, in terms of allowing moisture through to the tree's root system. There appears previously to have been a dwarf wall, no more than about 30cm high, along what is now the edge of the car port. It is no longer there and the exposed tree root suggests that the tree caused problems for the wall rather than the other way round. The car port structure is wholly within the canopy of the tree but well clear of the overhanging boughs and branches.
2. In my opinion, subject to ensuring that rainwater draining from the roof of the car port is not lost to the tree's root system, what is proposed is highly unlikely to cause any serious harm to the health of the tree. Accordingly, I do not consider the proposal conflicts with the provisions of Policy E14 in the adopted City of Durham Local Plan. The site is within the curtilage of a listed building and within the Durham City Centre Conservation Area. Given the modest nature of the proposed structure and my conclusion that there would be no harm to the protected tree, there is also no conflict with Policies E6, E22 and E23.
3. Planning permission was granted in 2004 for the erection of a garage and workshop in an L-shaped building with its sides about 3.5m east and 3.0m north of the centre of the tree trunk. The permission has not been implemented. In granting the permission, the Council had presumably concluded that that building would have no harmful effect on the health of the

tree. If that is so, then I cannot see how the erecting that permitted building and completing the car port could have a cumulatively harmful impact. It is true that the car port is very close to the south of the trunk and that erecting the permitted building would mean development on three sides of the tree within its root spread. At the same time, I have concluded that, subject to satisfactory details for the disposal of rainwater from its roof, the car port structure cannot cause any serious harmful effect on the health of the tree. And, if there would be no such harm from the car port itself, the cumulative impact of having both the car port and the garage/workshop cannot be noticeably greater than whatever impact might arise from the latter building on its own.

4. I am conscious that the extant planning permission imposes no control over the foundation design for the garage/workshop. Clearly, it would be best constructed on piled foundations located to avoid principal roots. To judge from what was said at my site visit, the appellant is aware of that and will act in the interests of keeping a healthy tree. Irrespective of that, however, it would be improper to try to resolve any potential flaws in the scope of the extant permission by dismissing this appeal when what is proposed would be acceptable itself and in terms of its cumulative impact with the permitted building.
5. It is argued that, as an open-sided building, the car port would actually have no volume and therefore should not require planning permission. However, an appeal against the refusal of planning permission has been made and that is what I am determining. In any event, it is my opinion that the structure proposed and partly erected clearly defines and thus encloses a volume, even though its finished form would be open-sided.
6. Since the proposed car port has been substantially erected already, there is no need for the standard time-limiting condition on implementation. Instead, the car port now needs to be completed to a satisfactory standard. For that reason, I shall impose conditions requiring details of the roof material and the means of rainwater disposal to be submitted within six months for the approval of the local planning authority and implemented within twelve months of their approval.

Decision

7. I allow the appeal and grant planning permission for the erection of an open-sided car port at Melkridge House, 95 Gilesgate, Durham, DH1 1JA, in accordance with the terms of the application ref. 4/06/00208/FPA, dated 15 February 2006, and the plans submitted with it, subject to the following conditions.
 - 1) No further development shall take place until details of the material to be used to clad the roof structure and details of the means of disposal of rainwater from the roof have been submitted to and approved in writing by the local planning authority.
 - 2) The details required by the above condition shall be submitted to the local planning authority within six months of the date of this decision and the development shall be carried out in accordance with the approved details within twelve months of approval by the local planning authority.

John L Gray

INSPECTOR



Appeal Decision

Site visit made on 13 February 2007

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 19 February 2007

Appeal Ref: APP/Z1320/A/06/2030893
10A Church Street, Coxhoe, DH6 4DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by A Bayat against the decision of Durham City Council.
- The application Ref 4/06/00576/FPA, dated 7 June 2006, was refused by notice dated 8 August 2006.
- The development proposed is hot food (Italian pasta) takeaway.

Procedural Matters

1. The planning application form for the development states that the address of the proposal is 10A Church Street West. However, I understand that the correct address is 10A Church Street, as set out above. The development proposed is change of use to hot food (Italian pasta) takeaway.

Decision

2. I allow the appeal, and grant planning permission for change of use to hot food (Italian pasta) takeaway at 10A Church Street, Coxhoe, DH6 4DD in accordance with the terms of the application, Ref 4/06/00576/FPA, dated 7 June 2006, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The use hereby permitted shall not be open to customers outside the following times: 08:00 – 23:00 (Monday – Saturday) and 11:00 – 23:00 (Sunday).
 - 3) The use hereby permitted shall not commence until a scheme for ventilation and extraction/filtration of any cooking odours, in accordance with current DEFRA Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems, has been submitted to, and approved in writing by, the Local Planning Authority. The approved equipment shall be installed prior to the commencement of the use hereby permitted and shall be operated at all times when hot food is being prepared and served on the premises.
 - 4) The use hereby permitted shall not commence until details of refuse storage and litter containing facilities have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided prior to the commencement of the use hereby permitted and thereafter retained as approved.

- 5) Notwithstanding the information shown on the approved plans, the development hereby permitted shall not begin until details of all external materials to be used in the refurbishment of the premises have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be in accordance with the approved details.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

4. The appeal property, currently a vacant shop, fronts the main road through the village of Coxhoe. The Council describes the property as lying within a local centre, as defined by the City of Durham Local Plan (CDLP). Church Street primarily comprises retail premises, although there are a number of dwellings interspersed between the shops. There also appear to be residential flats above some of the shops. The opposite side of the road (called Front Street East) is primarily residential. Immediately to the north of the appeal premises is a Chinese takeaway and there is a pizza takeaway a short distance further north on Church Street. On the opposite side of the road, approximately 70m to the south of No 10A, is a working men's club.
5. It is the intention that the takeaway would operate daily between 17:00 and 23:00. I consider that it is inevitable that the arrival and departure of customers, particularly those arriving by car, would result in a certain amount of noise. However, given that there are already 2 takeaways and a club within the vicinity of the proposal and that Church Street is a relatively busy main road through the village, it is my opinion that the operation of the proposal in the evening would not cause any significant, additional disturbance to nearby residents. The area is defined as a local shopping centre and, in my view therefore, residents living in its immediate vicinity must reasonably expect a degree of noise and disturbance arising from the surrounding commercial premises.
6. There is no direct access from the rear of the appeal premises to the highway, although I understand that the appellant has a right of access across the rear yard and along the side passage of the adjacent dwelling, No 10 Church Street. This route passes in close proximity to the rear/side ground floor windows of both Nos 9 and 10 Church Street and, other than carrying it through the takeaway itself, would be the only way of removing refuse from the premises. Whilst I appreciate that this arrangement would not be ideal, I am not aware that removal of refuse by this route has, in the past, caused any problems and I note that this practice would be likely to continue whatever the use of the appeal premises. I consider, therefore, that the removal of refuse on a weekly, or even daily, basis from the takeaway, would be unlikely to cause any more disturbance to the residents of Nos 9 or 10, than the general comings and goings of staff to, and the removal of refuse from, the rear of the premises in its, currently permitted, use as a shop. I also note that the Council's Environmental Health Officer has no objections to the proposal.
7. I find therefore that the proposal would not unacceptably harm the living conditions of neighbouring residents and thus accords with policy S10 of the CDLP. This policy states that Class A3 uses (which previously included hot food takeaways, now defined as Class A5) will be permitted within settlement boundaries, provided that there are no adverse

effects on the amenities of nearby occupants. I also find no conflict with policy S5 of the CDLP, which states that, subject to certain criteria, such uses will be permitted in local centres.

8. I have carefully considered the letters of both support for, and objection to, the proposal from the Parish Council, local councillors and nearby residents/businesses, but I have found nothing to alter my conclusion. However, I note that the occupant of No 10 Church Street, the property likely to be most directly affected by the development, supports the proposal and this has added weight to my decision.
9. To ensure the satisfactory appearance and operation of the proposal, and to protect the living conditions of nearby residents, I agree that conditions are necessary with regard to its external materials, ventilation/extraction equipment and refuse/litter storage. Given that it is within a local shopping centre I do not consider it reasonable to require the proposal to close at 22:30, as suggested by the Council. I also note that the existing takeaways are open beyond this time. However, there is a need to protect the night time living conditions of local residents and therefore I consider appropriate opening hours to be 08:00 – 23:00 (Monday to Saturday) and 11:00 – 23:00 (Sunday).
10. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Malcolm Rivett

INSPECTOR



Appeal Decision

Site visit made on 13 February 2007

by **Malcolm Rivett** BA (Hons) MSc MRTPI

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Date: 20 February 2007

Appeal Ref: APP/Z1320/A/06/2030624

23 Lawson Street, Durham City, DH1 4EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jane Tilly against the decision of Durham City Council.
- The application Ref 4/06/00288/FPA, dated 21 March 2006, was refused by notice dated 11 May 2006.
- The development proposed is alterations and extensions to create additional bedrooms.

Procedural Matter

1. I understand that, following refusal of planning permission for this proposal, permission was granted for a revised scheme, the construction of which was almost complete at the time of my visit.

Decision

2. I allow the appeal, and grant planning permission for alterations and extensions to create additional bedrooms at 23 Lawson Street, Durham City, DH1 4EW in accordance with the terms of the application, Ref 4/06/00288/FPA, dated 21 March 2006, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) Notwithstanding the information shown on the approved plans, no development shall take place until each of the following (a-c) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) samples, and details of the finish, of external materials, including ridge tiles and bargeboards;
 - (b) details of doors and fenestration, including details of glazing, heads, sills and louvres; and
 - (c) precise details of the roof design, including eaves, verges, ventilation, parapets, roof lights and guttering.Development shall be in accordance with the approved details.
 - 3) Notwithstanding the information shown on the approved plans, all doors and window frames shall be constructed in timber and windows shall be set at least 100mm in reveal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the Durham City Centre Conservation Area and on the living conditions of residents of the property, with particular regard to outdoor amenity space.

Reasons

4. Lawson Street lies within the Durham City Centre Conservation Area (CA) which is primarily characterised by the historic cathedral and castle; the buildings of the commercial and retail heart of the city, built in a range of periods and styles; and areas of housing (mostly of late 19th Century/early 20th Century origin) on the edge of the city centre. Lawson Street is in a neighbourhood of traditional, high density, terraced housing. Many of the properties in the area have rear extensions (both single and 2 storey) a number of which appear to leave the dwellings with only small areas of rear yard.
5. Whilst of a somewhat unusual layout, the proposal would appear to be no larger, in terms of footprint and height, than some of the other rear extensions in the area. Although of a modern design, the roof and roof lights of the single storey proposal, and the windows facing onto the back lane, would not, in my view, be prominent amongst the multitude of existing extensions and outbuildings at the rear of the Lawson Street properties, with their roofs of various forms and back gates/coal hatches. I note that the subsequently approved, revised scheme for this site incorporates a roof, roof light and back lane-facing window of very similar designs to the appeal proposal. I consider, therefore, that, having regard to the criteria set out in policy E6 of the City of Durham Local Plan (CDLP), the proposal would preserve the character and appearance of the CA and thus accord with this policy.
6. In relation to outdoor amenity space the Council has referred to policies Q8 and Q9 of the CDLP. Policy Q8 relates to new residential development and, therefore, does not strictly apply to this proposal for an extension to an existing dwelling. Whilst policy Q9 relates to residential alterations and extensions, I note that it does not refer to outdoor amenity space, or the living conditions more generally, of occupants of the dwelling. Nevertheless, I am of the view that protecting the living conditions of the occupants of an existing dwelling is an important consideration in determining proposals for extensions/alterations to the property.
7. The proposal would provide the property with 2 courtyard style, rear yards each measuring approximately 1.9m by 2.3m. Whilst small and accounting for the outward opening doors, together, they would, in my view, be large enough to store a refuse bin, erect a small washing line and enable 4 or 5 people to sit out. I consider that this would be adequate outdoor space for a dwelling of the appeal property's size. The Council states that the sharing of this amenity space with the storage of refuse is unacceptable. However, I consider this to be a very common arrangement which would not result in any problems. In any case, should the occupants wish to do so, one of the courtyards could be used for refuse storage and the other for sitting out/other activities.
8. I find, therefore, that the proposal would not result in unacceptable harm to the living conditions of the occupants of the dwelling, nor result in the overdevelopment of the property. Consequently, I conclude that the proposal has no conflict with policy Q9 of the CDLP, which requires that, amongst other things, the design and scale of alterations and extensions to residential property should be sympathetic to the main dwelling. The appellant has referred to the recently approved extension/alterations at No 27 Lawson Street, which

has almost identical rear yard provision to the appeal proposal. Whilst I have determined this appeal on its own merits, the development at No 27 has added weight to my decision.

9. I agree that to ensure the satisfactory appearance of the dwelling in its Conservation Area setting, the conditions relating to design details, suggested by the Council, are necessary. Given that the proposal is attached to the main dwelling and provides only bedrooms, I do not consider it feasible that the rooms could be occupied separately from the main house. I therefore find the Council's suggested condition No 7 to be unnecessary.
10. I have given careful consideration to the views of the City of Durham Trust, the Crossgate Community Partnership and local residents, however I have found nothing to alter my conclusion.
11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Malcolm Rivett

INSPECTOR

CITY OF DURHAM**APPLICATIONS DETERMINED UNDER PLENARY POWERS****PRINTED ON 8 February 2007****WEEK NO.6/2007**

1. The following applications were **REFUSED** for the reasons set out in Appendix A.

Number and Applicant	Location	Proposal
06/01225/FPA Mrs V Kavanagh	The Old Barn Auton Stile Bearpark Durham DH7 7DB	Erection of conservatory to rear of existing dwellinghouse
06/01233/FPA Miss N E Gray	4 Buford Court Western Hill Durham DH1 4TL	Erection of pitched roof extension to side and rear of existing dwellinghouse including dormer window and creation of patio area and steps

2. The following applications were **APPROVED** subject to the conditions set out in Appendix B.

Number and Applicant	Location	Proposal
*06/00750/OUT Boyne Estate Ltd	Coxyde Newton Hall Farm Newton Hall Durham DH1 5RP	Renewal of outline planning permission 4/03/647/OUT for the erection of 1 no. dwellinghouse including details of means of access
06/01113/FPA Mrs D Ward	1 Belgrave Avenue Coxhoe Durham DH6 4AU	Retrospective consent for erection of conservatory to side of existing dwelling
06/01138/FPA Ultimate Leisure Plc	Klute Nightclub Elvet Bridge Durham DH1 3AA	Change of use of land to beer garden with associated alterations including creation of paved areas, erection of fencing, erection of 2 no. lobby extensions and siting of tables and benches.

06/01152/AD Franks Factory Flooring	Former SG Petch Garage Front Street Framwellgate Moor Co Durham DH1 5EJ	Erection and display of various signs including shop fascia sign, 2 no. vinyl window sashes to front doors, 5 no. vinyl window sashes on side elevation, 2 other signs on side elevation and 1 no. sign on rear elevation
06/01154/FPA Mr J Woodward	The Holding Old Kelloe Durham DH6 4PE	Erection of agricultural storage building
06/01169/FPA Mr A And Mrs M Lowery	45 Coppice Hill Esh Winning Durham DH7 9QQ	Change of use of land to garden area, and erection of 1.575m boundary fence, to side of existing dwelling
06/01193/FPA Mr G Kennedy	33 Marshall Terrace Gilesgate Moor Durham DH1 2HX	Alterations to shopfront and erection of external lighting
06/01194/FPA A Hay And M Eve	6 Coronation Crescent Low Pittington Durham DH6 1BG	Demolition of existing outbuilding and erection of new building containing garage and summerhouse
06/01209/FPA Mr Thomas	1 Warkworth Road Newton Hall Durham DH1 5PB	Erection of second storey pitched roof extension to side of existing dwellinghouse, erection of porch and erection of pitched tiled roof over garage and lounge projections
06/01215/FPA The Bank Of England	Coxhoe Post Office Church Street Coxhoe Durham DH6 4HE	Installation of ATM
06/01226/FPA Southern Cross Healthcare	Hallgarth Nursing Home Hallgarth Street Durham DH1 3AY	Erection of conservatory and external alterations to existing building in association with creation of additional bedrooms

06/01227/FPA Mr And Mrs Mathews	Crime Rigg House Crime Rigg Bank Shadforth Durham DH6 1LA	Erection of dormer window to front elevation
06/01229/AD T J Morris Ltd	Unit 7 Dragonville Retail Park Dragon Lane Durham DH1 2WP	Erection and display of internally illuminated signage
06/01230/FPA Mr L Braines	Former Brick And Tile Works Finchale Avenue Brasside Durham	Retention of caravan for two year period
06/01231/FPA Mr L Braines	Former Brick And Tile Works Finchale Avenue Brasside Durham	Retention of alterations to existing building and change of use to blacksmiths workshop and storage
06/01232/FPA Mr Simpson	21 Oatlands Way Pity Me Durham DH1 5GL	Demolition of existing conservatory and erection of single storey pitched extension to rear of existing dwellinghouse
06/01234/FPA Mr McGuire	4 Limecragg Avenue Gilesgate Moor Durham DH1 1DF	Erection of two storey pitched roof extension to rear of existing dwellinghouse, pitched roof over garage to side of dwelling, erection of front porch, erection of pitched tiled roof over existing front projection and erection of first floor balcony on rear elevation
06/01235/FPA Mr Allinson	12 South Terrace Framwellgate Moor Durham DH1 5EN	Erection of two and single storey pitched roof extensions to rear and insertion of additional window in existing gable and additional rooflight on rear elevation (revised and resubmitted proposal)

06/01238/FPA Mr Pope	27 Mere Drive Pity Me Durham DH1 5DD	Erection of single storey pitched roof extensions to front, side and rear of existing dwellinghouse and erection of greenhouse and shed
06/01239/FPA S Noddle	9 Oakwood Coxhoe Durham DH6 4SQ	Erection of second storey pitched roof extension to side of existing dwellinghouse
06/01251/FPA Mr And Mrs Maughan	14 Meldon Way High Shincliffe Durham DH1 2PZ	Erection of dormer extension with balcony and conservatory to rear of existing dwelling
*06/01255/FPA Mr D Coleman	18 Eden Road Newton Hall Durham DH1 5LF	Erection of dwelling and erection of single storey front extension to existing dwelling (revised and resubmitted)
06/01268/AD Lloyds TSB	Lloyds TSB 43 High Street North Langley Moor Durham DH7 8JG	Erection and display of various illuminated shop signs to front and side elevations

3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
06/01224/CM Service Direct	Service Direct St Johns Road Meadowfield Industrial Estate Durham DH7 8YQ	Erection and display of directional traffic sign

* Determined under Chairman and Vice Chairman Delegated Authority

Applications recommended for refusal – reasons

4/06/01225/FPA

The proposed conservatory would occupy land outside the residential curtilage of the dwelling and the settlement boundary. The land is agricultural in use and forms part of the wider Durham City greenbelt and the proposal is considered harmful to the openness and character of the area contrary to policy E1 and Q9 of the City of Durham Local Plan 2004.

4/06/01233/FPA

The proposed extension, by virtue of its scale, design, position and materials would be out of keeping with the existing dwelling. The extension would not be subordinate to the existing dwelling and would detract from its character and appearance, and the visual amenity of the surroundings contrary to the requirements of Policy Q9 and E22 of the City of Durham Local Plan 2004.

In the opinion of the Local Planning Authority the proposed extension will be located beneath the canopy of a mature oak and birch trees that is of intrinsic value within the City of Durham Conservation Area. The position of the extension is likely to involve the disturbance to roots of these mature trees that threaten the long term retention of these trees. In addition the siting of the extension is likely to lead to problems with shade cast and in the opinion of the Local Planning Authority lead to an increased pressure for tree works or tree removal. In the opinion of the Local Planning Authority this is not considered to be acceptable and is contrary to Policy E14 and E22 of the City of Durham Local Plan 2004.

Applications recommended for conditional approval – conditions

4/06/00750/OUT

T2	Time Limit Outline Approval 2004
DT2	Outline Permission Specific Details Reserved
DT8	Enclosure Details to be Agreed
DT10	Hardstanding Surface Materials
PD2	Removal of PD Outbuildings
PD4	Removal of PD Extensions
DT23	Drainage Scheme

Before works commence the existing trees on the site shall be properly fenced off from those parts of the land to be developed and shall remain so protected in accordance with BS3998 2005, to the satisfaction of the Local Planning Authority, until the cessation of building works. Details of the fencing shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

Notwithstanding the information submitted with the application full engineering drawings of the foundations of the house and driveway construction including a construction method statement shall be submitted with the reserve matters. The drawings and statement should take into account the bdn report 21st November 2006 and arc report 6th December 2006 and All About Trees arboricultural comments dated 20th September 2006 and 20th December 2006 submitted on the outline approval.

No works shall be carried out or development commenced until the construction access has been provided along the southern boundary of the site. On cessation of the building works and prior to occupation of the dwelling the construction access shall be made good in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

4/06/01113/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials

4/06/01138/FPA

T1	Time Limit Full Approval 2004
DT4	External Materials

The change of use hereby approved shall be used as a beer garden only in connection with the nightclub and operated in accordance with the licensed hours of the adjoining nightclub.

No form of canopy temporary or permanent shall be erected within the beer garden hereby approved or attached to the building without first applying for formal planning

consent to the Local Planning Authority.

The mix, layout and number of benches and tables approved on drawing 2025-105 Rev B shall be maintained as approved thereafter and not deviated from without first receiving written approval from the Local Planning Authority.

The steps and area beyond the lower terrace to the riverbank shall be used and managed as an emergency exit route only and not in connection with the beer garden use hereby approved.

No sound equipment shall be used to provide entertainment to the beer garden area hereby approved.

Notwithstanding any information submitted with the planning application full details of the type, amount, direction and luminance of all existing and any new exterior lighting to the beer garden shall be submitted to and approved in writing by the Local Planning Authority before it is used or installed and implemented in accordance with the approved details thereafter.

The two sets of doors either side of the two lobbies hereby approved for sound mitigation shall be unobstructed at all times when the nightclub is in operation so they are free to open and close.

The existing trees and shrubs on the site shall be retained as indicated on drawing no. 2025-107 Rev D with the exception of those needed to be removed or pruned to create the additional paved seating space hereby approved. No trees or shrubs outside these seating areas shall be removed, lopped or topped without first applying to the Local Planning Authority for written consent to undertake the works. Any trees or shrubs removed without such consent or dying, seriously damaged or diseased shall be replaced in the same position with trees and shrubs of the same species and as near as possible the same maturity.

The existing mature sycamore trees that abut the development site shall be protected during construction in accordance with BS5837 2005 and shall remain protected for the full duration of the works.

4/06/01152/AD

TL3 Advert Approvals

The 3 no. poster advertisements displayed on the existing wall to the western boundary of the site shall be removed from the site within 28 days of the date of this approval and shall not thereafter be displayed without the grant of a further specific consent from the Local Planning Authority.

4/06/01154/FPA

T1 Time Limit Full Approval 2004

DT4 External Materials

4/06/01169/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

4/06/01193/FPA

T1 Time Limit Full Approval 2004

4/06/01194/FPA

T1 Time Limit Full Approval 2004

RU4 Use as Private Garage Only

DT4 External Materials

DT7A Complete Accord

4/06/01209/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

DT7A Complete Accord

4/06/01215/FPA

T1 Time Limit Full Approval 2004

DT7A Complete Accord

4/06/01226/FPA

T1 Time Limit Full Approval 2004

DT4 External Materials

Before the development commences full details of additional landscaping on the north and west boundary shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include the location, height, age and species of the relevant trees and shrubs and the relevant post planting maintenance. The approved scheme shall then be implemented within six months of the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner of the land on which they are located for a five year period and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

4/06/01227/FPA

T1 Time Limit Full Approval 2004

DT7A Complete Accord

DT34A Timber Windows

DT35A Slates

4/06/01229/AD

TL3 Advert Approvals

4/06/01230/FPA

TL7 Temporary Approvals Use of Buildings

The use of the caravan shall be restricted to the provision of shelter, refreshments, and security, and shall be used for no other purpose including residential occupation.

4/06/01231/FPA

T1 Time Limit Full Approval 2004

DT23 Drainage Scheme

RU6 Restriction of Use Class

4/06/01232/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

4/06/01234/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

DT7A Complete Accord

4/06/01235/FPA

TN1

DT4 External Materials

4/06/01238/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

4/06/01239/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

DT7A Complete Accord

4/06/01251/FPA

T1 Time Limit Full Approval 2004

DT4 External Materials

DT7A Complete Accord

4/06/01255/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
DT8 Enclosure Details to be Agreed
DT10 Hardstanding Surface Materials
LA2 Landscaping Scheme Full Reserved Matter

Two trees of an appropriate species shall be planted in a location to be agreed with the Local Planning Authority as a replacement for the semi-mature Birch to be removed because of the development during the first planting season following the occupation of the dwelling of the building or the completion of the development whichever is the sooner. Should the trees die, be removed or become seriously damaged or diseased within 5 years of planting they shall be replaced in the next planting season with trees of similar size and species unless the Local Planning Authority gives written consent to any variation

A deciduous hedge of an appropriate species shall be planted in a location to be agreed with the Local Planning Authority as a replacement for the conifer hedge to be removed because of the development during the first planting season following the occupation of the dwelling of the building or the completion of the development whichever is the sooner. Should the hedge die, be removed or become seriously damaged or diseased within 5 years of planting, it shall be replaced in the next planting season with a hedge of a similar size and species unless the Local Planning Authority gives written consent to any variation

Notwithstanding the provisions of Article 3 and Classes A, B and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on the site of the new dwelling without an application for planning permission having been first made to and approved in writing by the Local Planning Authority

The development hereby approved shall not be brought into use until the external parking areas shown on site layout plan at a scale 1:100 submitted 20 December 2006 have been provided and those areas shall not thereafter be used for any other purpose other than the parking of private vehicles

4/06/01268/AD

TL3 Advert Approvals

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 16 February 2007

WEEK NO.7/2007

1. The following applications were **REFUSED** for the reasons set out in Appendix A.

Number and Applicant	Location	Proposal
06/01258/AD L Remmington	39 High Street Durham DH1 3UL	Erection and display of internally illuminated fascia sign

2. The following applications were **APPROVED** subject to the conditions set out in Appendix B.

Number and Applicant	Location	Proposal
*06/01108/LB The Council Of The University Of Durham	38 Old Elvet Durham DH1 3HN	Erection of fence and infill stone wall and garden gates to rear of property
*06/01110/FPA The Council Of The University Of Durham	38 Old Elvet Durham DH1 3HN	Erection of fence and infill stone wall and garden gates to rear of property
06/01195/FPA Mr J Allport	32 Swinside Drive Carrville Durham DH1 1AE	Erection of conservatory to rear of existing dwelling
06/01196/FPA Mr A Newton	95 Front Street Sherburn Durham DH6 1HD	Erection of single storey pitched roof extension to rear of existing dwellinghouse and insertion of window in gable wall
06/01253/FPA Mrs M Walker	76 Brancepeth View Brandon Durham DH7 8TU	Erection of conservatory to rear of existing dwellinghouse
06/01259/AD A Townsley	Estate Road Junction Belmont Industrial Estate Belmont Durham	Erection of non-illuminated free standing sign

06/01261/FPA Mr J And Mrs B Burrell Jefferson	17 Roman Road Brandon Durham DH7 8UF	Erection of single storey pitched roof extension to side of existing dwellinghouse
06/01262/TPO Mr D Taylor	50 The Orchard Pity Me Durham DH1 5DA	Lopping of 7 no. Hawthorn trees in rear garden to a minimum height of 3.5m
06/01270/FPA J A Properties Ltd	63 Albert Street Durham DH1 4RJ	Change of use and conversion of existing property from medical facility (clinic) to 3 no. flats
07/00001/FPA Mrs J Young	1 Park Road Sherburn Durham DH6 1EA	Erection of conservatory to rear of existing dwellinghouse (revised and resubmitted proposal)

3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
07/00036/CM Northumbrian Water Limited	Kelloe Sewage Treatment Works Kelloe Durham	Provision of 1 no. Nitrifying Submerged Aerated Filter at Sewage Treatment Works

4. Raise objection to the County Matter listed below.

Number and Applicant	Location	Proposal
#07/00040/CM Durham County Council	Belmont Church of England School Buckinghamshire Road Belmont Durham	Installation of kitchen ventilation ductwork equipment on flat roof

An objection is raised to the proposed kitchen ventilation ductwork on the grounds that it is considered detrimental to visual amenity in this location, due to its size, position and detailed design, contrary to Policy Q7 of the City of Durham Local Plan 2004.

* Determined under Chairman and Vice Chairman Delegated Authority.

5. **APPENDIX A**

City of Durham
Applications Determined Under Plenary Powers
Printed on 16 February 2007
Week No.7/2007

Applications recommended for refusal – reasons

4/06/01258/AD

The proposed signage is illuminated and harmful to the visual amenity and character of the area contrary to Policies E6 and Q11 of the City of Durham Local Plan 2004.

APPENDIX B

City of Durham
Applications Determined Under Plenary Powers
Printed on 16 February 2007
Week No.7/2007

Applications recommended for conditional approval – conditions

4/06/01108/LB

T1	Time Limit Full Approval 2004
DT5	Materials Sample
DT9	Specified Fences Walls Hedge
LA5	Protection of Trees Hedges during Const
DT18	Schedule of Joinery Details

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

4/06/01110/FPA

T1	Time Limit Full Approval 2004
DT5	Materials Sample
DT9	Specified Fences Walls Hedge
LA5	Protection of Trees Hedges during Const
DT18	Schedule of Joinery Details

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

4/06/01195/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials

4/06/01196/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
DT7A Complete Accord

In this condition "retained tree" means any existing tree with a stem diameter of greater than 75mm. Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the extension for its permitted use.

a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written authority of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS3998:1998 (Tree Work).

b. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

c. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

d. For a period of 5 years from the date of this permission no trees shall be willfully damaged, destroyed or uprooted, and no trees felled or lopped without the previous written consent of the Local Planning Authority.

e. If within a period of five years from the date of commencement of works any retained tree, or any tree planted in replacement for it, dies, or is removed, uprooted or destroyed [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species, of a size to be agreed in writing with the Local Planning Authority, shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation.

Arboricultural Implications Assessment (BS5837:2005)

Before any works commence on site a Arboricultural Implications Assessment report shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:

a. A plan that shows the position, crown spread and Root Protection Area (Para. 5.2.2 of BS5837) of every retained tree on site and on nearby ground in relation to the most recent plans and particulars. All trees to be removed shall be indicated on this plan.

b. A tree schedule as required at Para. 4.2.6 of BS5837.

d. A tree retention / removal plan showing location of all trees in the context of site proposals.

e. A schedule of tree works for all the retained trees in paragraphs (a) and (b) above,

specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:1989, Recommendations for tree work.

d. Written proof of the qualifications of the Arboricultural contractor authorised to carry out the scheduled tree works.

e. The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837), Tree Protection Barriers (section 9.2 of BS5837), Construction Exclusion Zones (section 9 of BS5837) and underground service runs (section 11.7 of BS5837).

i. The details of any changes in levels or proposed excavations within 5 metres of the Root Protection Area (Para. 5.2.2 of BS5837) of any retained tree, including those on nearby ground.

j. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

k. The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.

l. The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

m. The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

n. The details of the working methods to be employed with regard to site logistics and storage.

o. The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (Para. 9.2.3 of BS5837).

Such scheme as approved by the Local Planning Authority shall be implemented in its entirety for the full duration of works on site. The applicant shall give written notice to the Local Planning Authority of 2 days prior to carrying out the approved tree works and any operations that present a risk to trees.

Retained Trees, Prohibited Activities

The following activities must not be carried out under any circumstances

a. No fires shall be lit or allowed to burn within 10 metres of the nearest point of the canopy or root protection area of any retained tree.

b. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

c. No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.

d. No mixing of cement or use of other materials or substances shall take place within a

Root Protection Area, or within such proximity where seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.

e. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

4/06/01253/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/06/01259/AD

TL3 Advert Approvals
DT7A Complete Accord

4/06/01261/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/06/01262/TPO

TL8 Time Limit Full Approval 2 yrs
DT7A Complete Accord
LA7 Tree Surgery

4/06/01270/FPA

T1 Time Limit Full Approval 2004

Notwithstanding the information shown on the submitted application, all new windows and doors on the development hereby approved shall be constructed from timber, the details of which shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Notwithstanding the information shown the submitted application, all new roofs including the side cheeks of the dormer windows on the development hereby approved shall be constructed of natural slate, a sample of which shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Notwithstanding the information shown in the submitted application, precise details of the railings hereby approved including ground fixing shall be submitted plan at scale 1:20 and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

4/07/00001/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 22 February 2007

WEEK NO.8/2007

1. The following applications were **REFUSED** for the reasons set out in Appendix A.

Number and Applicant	Location	Proposal
07/00019/TPO Mr K Fleming	1 South Avenue Shadforth Durham DH6 1LB	Felling of 3 no. Sycamore trees

2. The following applications were **APPROVED** subject to the conditions set out in Appendix B.

Number and Applicant	Location	Proposal
06/01237/FPA Mr Lightfoot	27 Lowland Road Brandon Durham DH7 8NN	Erection of detached garage and store, boundary wall and gates and formation of a new access to a highway.
07/00039/FPA Mrs C McDonald	49 Wantage Road Carrville Durham DH1 1LP	Erection of single storey pitched roof extension to side and rear of existing dwellinghouse and creation of rear decking area and access ramp

3. Raise objection to the County Matter listed below.

Number and Applicant	Location	Proposal
#07/00039/FPA Durham County Council	Durham Newton Hall Infants School Langley Road Newton Hall Durham	Provision of ventilation ductwork positioned over kitchen roof

An objection is raised as the proposals are considered to be detrimental to the visual amenity of the area and the adjacent residential properties in particular, contrary Policies Q7 and H13 of the City of Durham Local Plan 2004.

No indication has been given as to any potential noise impact the proposed ventilation equipment may have

APPENDIX A

**City of Durham
Applications Determined Under Plenary Powers
Printed on 22 February 2007
Week No.8/2007**

Applications recommended for refusal – reasons

4/07/00019/TPO

The proposed felling of the three sycamores indicated on the submitted location plan are considered to have a high amenity value to the area and no satisfactory justification has been made for their removal and as such is contrary to Policy E14 of the City of Durham Local Plan 2004.

APPENDIX B

City of Durham
Applications Determined Under Plenary Powers
Printed on 22 February 2007
Week No.8/2007

Applications recommended for conditional approval – conditions

4/06/01237/FPA

T1	Time Limit Full Approval 2004
RU4	Use as Private Garage Only
DT4	External Materials
DT7A	Complete Accord

The proposed development shall be served by a new access constructed in accordance with the requirements of Section 184 (3) of the Highways Act 1980.

The existing vehicular access shall be stopped up and its use permanently abandoned concurrently with the provision of the new access hereby approved being first brought into use.

4/07/00039/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials

For clarity the rear decking area is approved for the dimensions drawn on the approved plan and no deviation from this is given consent.

Building Notices

Between 01/02/2007 and 21/02/2007

Number of cavity wall insulation applications 11

Number and Applicant	Location	Proposal
07/00104/OTHDBN Alan Wilson	9 Dryburn Park Framwellgate Moor Durham DH1 5AD	Provision of downstairs
07/00105/DEXBN Mr John Turner & Mrs Kathryn Turner	11 Brookside Witton Gilbert Durham DH7	Rear Extension
07/00107/OTHDBN Mr Peter Chapman	5 Railway Close Sherburn Durham DH6 1RN	Change of use from integral garage to habitable room
07/00108/OTHDBN	30 The Croft Sherburn Hill Durham DH6 1QL	Removal of load bearing wall
07/00109/OTHDBN Diocese Of Durham	25 Barnard Close Newton Hall Durham	Conversion of garage into study
07/00110/DEXBN Ian Musgrave	14 Ryedale Belmont Durham DH1 2AL	2 storey extension to rear of property
07/00115/OTHDBN Mr Cutting	17 Alnwick Road Newton Hall Durham	Pitched Roof to front, rear and
07/00117/OTHDBN Mr Peter Badrick	90-92 Featherstone Road Newton Hall Durham DH1 5YP	Replace felted roof with tiled pitched roof over garage
07/00130/OTHDBN Mr Lee McKenna	12 Birch Place Esh Winning Durham DH7 9JA	Fit New Garage Door To Rear Of Garage
07/00135/OTHDBN Mr Smedley	162 Devonshire Road Belmont Durham DH1 2BL	Pitched Roof On Garage
07/00139/OTHDBN Mr M.P.Farrington	4 Blackcliffe Way Bearpark Durham DH7 7TJ	Conversion of garage into living space

Number and Applicant	Location	Proposal
07/00145/OTHDBN M G Stephenson	65 Taylor Avenue Bearpark Durham DH7 7AX	En-suite bathroom to downstairs room
07/00146/OTHDBN Mr David McNaught	19 Hylton Road Newton Hall Durham DH1 5LS	Erection of pitched roof on existing flat roof garage
07/00150/OTHDBN M.P Guy	1 Canterbury Road Newton Hall Durham DH1 5PX	Lay New Drain from ground floor toilet to connect man hole to rear garden
07/00152/OTHDBN Mr & Mrs Collier	4 Robson Terrace Shincliffe Durham DH1 2NL	Re Introduction Of Existing Bathroom
07/00153/OTHDBN Mr & Mrs Bradley	8 Forster Avenue Sherburn Durham DH6 1EP	Two External Doors to be bricked up and made good. One External door to be formed at rear of building and made good
07/00155/OTHDBN Mrs Jillian Lambert	17 Meldon Way High Shincliffe Durham DH1 2PZ	Installation Of Door Between House And Adjoining Garage
07/00157/DEXBN Hazel Wolsey	5 Diamond Terrace Durham DH1 5SX	Replace Existing Kitchen
07/00161/OTHDBN Mr N Bainbridge	5-6 North Street Hett Durham DH6 5LR	Reinstate downstairs lounge and create opening for front door.

List of Approvals

From 01/02/2007 to 21/02/2007

Number and Applicant	Location	Proposal
06/01239/DEX 3R Land & Property Ltd	19 Atherton Street Durham City DH1 4DF	Loft Conversion And Small Extension
06/01263/DEX Mr McGuire	4 Limecragg Avenue Gilesgate Moor Durham DH1 1DF	Kitchen, Loungem W.C, Bedroom, and bathroom extension
06/01264/DEX Mr Pope	27 Mere Drive Pity Me Durham DH1 5DD	Study, Sun Room, and bedroom extension
06/01268/OTHDOM Mr R Crooks	Former Chapel Colliery Road Bearpark Durham DH7 7AU	Conversion of chapel into a dwelling
06/01276/OTHC Mrs M H Tribe	St Andrews Methodist Church Carr Avenue Brandon Durham DH7 8QG	Installation of new staircase to roof storage area
06/01286/DEX Mr & Mrs Lee	Louvaine House Louvain Terrace Witton Gilbert Durham DH7 6SB	Bedroom, Lounge, Bathroom & Utility Room
06/01289/DOM Hedley Park	Former Building Employers Confederation Green Lane Durham City	Erection of new residential apartment block
07/00003/DOM Team Build Construction	Brancepeth Castle Inn Frederick Street North Meadowfield Durham DH7 8ND	Construction of 11 No Apartments
07/00029/DEX Mr Peter Van Orsouw	17 Front Street Witton Gilbert Durham DH7	Loft Conversion

Number and Applicant	Location	Proposal
07/00032/PARTNR Mr Sawkill	23 Cleveland Avenue Chester-Le-Street County Durham DH2	Loft Conversion
07/00033/DOM Nomad Housing Group	Land At Forster Avenue Sherburn Durham	Demolition of 2 No existing bungalows and construction of 21 No bungalows
07/00035/PARTNR Durham County Council	Etherley Lane Nursery Hazel Grove Bishop Auckland County Durham DL14 7RF	Demolition of canopy and new extension to form lunch
07/00044/DEX Mr Colin Simpson	8 Oliver Crescent Shadforth Durham DH6 1LP	Lounge, Kitchen, Toilet, Bedroom & En-suite Extension
07/00057/PARTNR Benedict Biscop C.E	Benedict Biscop C.E Primary School Marcross Drive Moorside Sunderland	Conversion of care takers accomodation to extend schools facilities
07/00058/DEX Mr Hargreaves & Ms	9 Pond Street High Shincliffe Durham DH1 2PS	Loft conversion, new front door, 1st floor bathroom and installation of new windows
07/00075/DEX Mr Robins	10 Oakwood Coxhoe Durham DH6 4SQ	Bedroom and En-suite
07/00076/DEX Mr Bowden	140 Devonshire Road Belmont Durham DH1 2BL	Sun Room Extension and Installation of WC
07/00077/DEX Hope Estates	11 New Street Durham DH1 4DH	TV Room, Bedroom Extension and Attic
07/00079/OTHDOM Mrs Drury	1 Birchgrove Avenue Gilesgate Moor Durham DH1 1DE	Tiled Roof to Garage
07/00081/DEX Mr Hinson	16 Kira Drive Pity Me Durham DH1 5GU	Bedroom Extension and Hall

Number and Applicant	Location	Proposal
07/00084/DIS Mrs C McDonald	49 Wantage Road Carrville Durham DH1 1LP	Alterations to provide facilities for disabled person
07/00085/DEX Ian MacKenzie	Sunnybrae Percy Terrace Durham City DH1 4DY	Conversion Of Existing
07/00092/DEX Mr & Mrs Weatherill	17 Blaidwood Drive Durham City DH1 3TD	Single Storey Conservatory Extension
07/00094/OTHC Durham County Council	Cassop Primary School Cassop Durham DH6	New internal automated lobby door, changing of internal doors, adaptations for disabled and ambulant toilets.
07/00095/DEX Mr P Clarke	4 Roman Road Brandon Durham DH7 8UF	Kitchen Extension
07/00096/DEX Mrs I Lupton	4 Berkshire Close Belmont Durham DH1 2BW	Single Storey Kitchen
07/00106/DOM Gareth Lyndon Baldwin	Old Methodist Chapel Hall Lane West Rainton Durham	Renovation of church to
07/00111/DEX Mr K Lawson	37 Green Crescent Coxhoe Durham DH6 4BD	Kitchen & Utility Extension
07/00112/OTHC Durham County Council	Ferryhill Business & Enterprise College Merrington Road Ferryhill County Durham DL17 8RW	Kitchen Refurbishment
07/00114/DEX Michael Gilchrist	115 Ashbourne Drive Coxhoe Durham DH6 4SR	Rear Kitchen/Dining Room Extension, convert garage to study

Number and Applicant	Location	Proposal
07/00118/DEX Mr & Mrs Chapman	1 Pickwick Close Merryoaks Durham DH1 3QU	Single storey extension to lounge & kitchen
07/00119/OTHDOM Mr Capstick	58 Moor Crescent Gilesgate Moor Durham DH1 1DJ	Erection of pitched roof over extension with garage conversion and utility room
07/00121/DEX Mr Stobbs	20 Barrington Way Bowburn Durham DH6 5QD	Sun Room
07/00123/DEX Mr J Steer	24 Hallgarth Lane High Pittington Durham DH6 1AE	Two Storey Side Extension
07/00127/DEX Mr J Holmes	12 West Farm Court Broompark Durham DH7 7RN	Rear two storey extension with alterations
07/00131/DEX H.Sedgewick Partnership	117 High Street North Langley Moor Durham DH7 8JH	Conversion Of Single Dwelling Into 2 Apartments
07/00134/DEX Mr Morgan	20 Norburn Park Witton Gilbert Durham DH7	Bedroom Above Garage
07/00141/DEX Mrs Cornforth	20 Pilgrims Way Gilesgate Durham DH1	Tiled Roof & W.C
07/00142/DEX Mr Irvine	19 Springwell Road Durham City DH1 4LR	Kitchen, Lounge extension with alterations
07/00144/DEX Mr Attle	58 Rochester Road Newton Hall Durham DH1 5QD	Sun Room, Kitchen, Study, Bedroom with en-suite

List of Refusals

From 01/02/2007 to 21/02/2007

Number and Applicant	Location	Proposal	Decision
06/01255/DOM Mr Simon Williams	3 - 4 South Terrace Framwellgate Moor Durham DH1 5EN	Erection Of 2 No Dwellings	REJ16

List of Regularisations

From 01/02/2007 to 21/02/2007

Number and Applicant	Location	Proposal
07/00133/OTHDRG Mr Monk	50 Petterson Dale Coxhoe Durham DH6	Garage converted into room
07/00137/OTHDRG Acorn Foundation Engineering Ltd	21 & 22 Marshall Terrace Gilesgate Durham DH1 2HX	Underpinning