

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 8th March, 2007, at 5.30 p.m.

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

Also Present: Councillors Colledge, Hepplewhite, Kellett, Marsden, Moderate, Reynolds, Robinson, Turnbull, Walton and Woods.

540. APOLOGIES FOR ABSENCE

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

541. MINUTES

The Minutes of the Meeting held on 15th February, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Director of Legal and Administration Services

542. REPORT FOR INFORMATION

The Director of Legal and Administration Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1st April, 2006, to 31st December, 2007, a copy of which had been placed in the Members' Room.

Report of Head of Planning Services

543. 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 S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
 - (ii) Appeal by Highway Media UK Limited – Site at Adolphus Place (Facing Tesco), Dragonville, Durham, DH1 2RG
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Nieuwenhuis – Site at Melkridge House, 95 Gilesgate, Durham
 - (ii) Appeal by A Bayat – Site at 10A Church Street, Coxhoe, Durham
 - (iii) Appeal by J Tilly – Site at 23 Lawson Terrace, Durham
- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

544. DECISION MADE BY THE COUNTY COUNCIL

CM4/06/1224
Service Direct, Durham
County Council

Service Direct, St. John's Road, Meadowfield
Industrial Estate, Meadowfield, Durham, DH7 8YQ
Erection and display of directional traffic sign

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

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

545. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **06/01210/FPA**
CH Newton

Beechcroft, Broomside Lane, Carrville, Durham, DH1
2QW
Demolition of existing building and erection of 12no.
dwellinghouses with associated access, parking,
landscaping and bin storage (revised and
resubmitted proposal)

Following a site inspection by the Committee in relation to this application on 6th March, 2007, it was:-

Resolved: 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 standards 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 to 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 details.
 - (6) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority 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 other order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwellinghouse(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 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 facilities in lieu of the provision of open and play space within the application site.

(b) 06/01217/OUT
Durham & Darlington
Acute Hospitals NHS
Trust

Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham
Outline application for residential development including details of means of access

Resolved: 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 the 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 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 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-storeys 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.

Note: Councillors Bell and Southwell declared a personal interest in the undermentioned application and remained in the Meeting during consideration thereof.

(c) 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**

Resolved: 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 details.
- (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 the Local Planning Authority and approved 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 details.
- (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 these 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 development and shall remain 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.

The Meeting terminated at 6.25 p.m.

Chairman

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

29th 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 Harrison Properties Limited
Site at Unit 41, 22 Dragonville Industrial Park, Dragon Lane, Durham, DH1 2XH
- b) Appeal by Harrison Properties Limited
Site at Costspex Opticians, Unit 41 Dragonville Industrial Park, Durham
- c) Appeal by Mr J Petrie
Site at St Aidans Church, Front Street, Framwellgate Moor, Durham, DH1 5BL
- d) Appeal by Mr P McGowan
Site at 9 Mount Joy Crescent, Durham, DH1 3BA
- e) Appeal by Mr G Marshall
Site at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA

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

- a) Appeal by Mr S C Ryder
Site at land to rear of 15 The Avenue, Coxhoe, Durham, DH6 4AD
- b) Appeal by Mr W Morgan
Site at former site of S G Petch Garage, Front Street, Framwellgate Moor, Durham, DH1 5EJ

1.3 Planning Applications – Determined under Plenary Powers

1.4 Building Control Applications – Determined under Plenary Powers

1.5 Confirmation of Tree Preservation Order – 9 Vicarage Terrace, Durham

2. 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
1.	07/00020/LB City of Durham Council	Town Hall Market Place, Durham	Various Internal Alterations and external alterations in connection with access alterations and redecorations	Minded to approve
2.	07/00053 Banks Developments Ltd	Sheraton House, Sheraton Park, off Darlington Road, Nevilles Cross, Durham	Conversion of Sheraton House to form 25 apartments, construction of apartment building to rear to form 22 apartments and associated infrastructure works, car parking and landscaping	Approve

ITEM NO. 1

07/00020/LB City of Durham Council	Town Hall, Market Place, Durham City Various internal and external alterations in connection with access alterations and redecorations.
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SITE APPLICATION AND DESCRIPTION

The application refers to Durham Town Hall, situated at the north western corner of the Market Place within Durham City. The site is located within the City Centre Conservation Area. The application proposes a variety of internal and external alterations in connection with access improvements and redecorations.

The area surrounding the Town Hall is of significant archaeological importance. The Town Hall has developed over a significant number of years, with a variety of different building phases taking place. The Town Hall has a substantial Gothic Revival frontage to the Market Place. The earliest section of construction is the Guildhall (circa 1535 with earlier fragments) but the majority of the Northern range of buildings date from 1851. The property functions as a series of separate rooms that operate as the principle place for the Civic business of the Council e.g. Committees etc.

Surrounding the site are a variety of A1, A2 and A3 premises, a number of which are Grade II Listed and possess a variety of elegant shop frontages. Adjacent to the Town Hall is the Church of St. Nicholas that is also a Grade II Listed structure.

RELEVANT HISTORY

There are a number of previous planning applications in relation to this property.

Three applications were received within the 1980's, these related to the replacement of window frames, installation of a fire escape (internal) to the rear of external alterations and internal restoration to the main hall.

Two applications were received in 1990 relating to, internal and external alterations to the Town Hall and adjoining out buildings and replacement of stained glass to the Rose Window in the Guildhall.

Three applications were received in 1997, all of these applications were withdrawn. Three of which were Listed Building Applications and one for Advertisement Consent. They related to a variety of alterations including, installation of a stair lift, replacement of notice boards, masonry repairs, and replacement oak door.

One application was received in 2001 relating to the widening of an existing fire escape corridor to form a wheelchair refuge.

In 2006 a Listed Building Application was received for the creation of a new access door into a store area.

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 15: Planning and the Historic Environment lays out Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection.

The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system.

These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

LOCAL PLAN POLICIES

The following sets out to summarise the relevant criteria from those policies in the City of Durham Local Plan 2004 used to determine this application.

Policy E23 states that the Council will seek to safeguard listed buildings and their settings.

Policy Q1 states that the layout and design of all new development should take into account the requirements of users.

REPRESENTATIONS

STATUTORY RESPONSES : Responses have been received from the Durham County Archaeology Section. No objection is raised to the application, following earlier archaeological works.

English Heritage supported the access improvements, and recommend that a number of issues are addressed by condition as appropriate.

INTERNAL RESPONSES : There are no internal responses.

PUBLIC RESPONSES : There have been no responses from members of the public.

PLANNING CONSIDERATIONS

The application proposes a variety of internal alterations to the Town Hall, in conjunction with improved disabled access routes and various internal alterations. In addition to this it is proposed to increase kitchen and bar provision, toilet facilities and to install fire detection equipment.

The applicant proposes the installation of a lift from the former Tourist Information Centre. This would provide level access from the Market Place into most levels of the Town Hall.

Most of the existing built fabric affected by the proposed lift installation is circa 20th Century, with the exception of a proposed new access into the Burlison Gallery. At present the Burlison Gallery can only be accessed from a flight of stairs and thus it is proposed to insert a new doorway opening leading from the lift area into this area. The style of door proposed reflects a simplified version of the existing door into the gallery, featuring a single leaf oak door, with inset panels. The door would feature a Tudor arch, which will be formed with the upper stile, while the door itself would be 4/5 scale of the existing door. The scaling down and simplification of the proposed door compared to the existing double entrance doors is considered entirely appropriate. This proposal will reflect the intended character and design of the room, whilst being more domestic in nature in terms of scale and decoration. In addition to this the proposed opening will feature a continuation of the existing skirting board from the Burlison Gallery. A balustrade is proposed to the right of the door incorporating a lift call button, and also protecting anyone behind the door when opening. The lift itself will have a modern brushed stainless steel, clearly identifying itself as a modern addition. These interventions would create minimal disruption to the Listed Building, whilst achieving level access that respects the character and appearance of the Town Hall.

Within the former Tourist Information Centre a number of alterations are proposed. The existing modern partition walls will be removed, with an RSJ inserted to provide additional support. To the right within the Tourist Information Centre area, it is proposed to create two internal partitions in order to form a new staff room area. These partition walls will be reversible in nature, should the internal use of the space change at some point in the future. Within the right hand arch it is proposed to insert a sink unit. A freestanding modern reception desk is proposed featuring a number of differing wood types and glass.

Within the central archway to the rear of this desk it is proposed to insert a new doorway and timber staircase leading into the cellar area. The archway openings are currently sealed using a mixture of brickwork, with associated plasterwork. Therefore the insertion of an opening within this area would have a minimal impact upon the character and appearance of the Listed Building. The proposed door would feature six panels, and would in turn be replicated in style and finish to those proposed within the toilet area at ground floor level. It is proposed to open the existing left hand archway, in order to accommodate the proposed lift, with double framed glass doors being inserted leading into the lift area. This archway is currently covered in plasterwork, and English Heritage recommend attempting to expose the stonework beneath, as a finish to the wall, dependent on its current condition.

To the front elevation of the former Tourist Information Centre it is proposed to remove the existing windows and entrance doors and replace these with new timber windows and doors. The proposed doors would be automated in order to allow easy access. The proposed window openings would maintain the same single glass panel, and would therefore maintain the existing simplistic character and appearance of this area. The depth of this arcaded area would be revealed through the use of simple expanses of glass, with minimal intervention and framing. In association with this, new signage is proposed for insertion on the area of glass above the main entrance door, with additional etching along the main window expanses.

On this level alongside the proposed lift would be a new staircase, which again would be a visibly modern intervention. It would be of high quality, featuring oak treads, with a glass and chrome handrail/balustrade. This staircase would lead upwards onto the ground floor.

On the ground floor a number of alterations are proposed, principally within the later 20th Century extension to the building. This area contains the existing toilets, Supper Room, Janitors office etc. leading from the Crush Hall. In association with the proposed works, the existing toilets would be relocated to the north of the corridor, leading from the Crush Hall.

The existing Janitors office would be removed, with an accessible toilet and new staircase to upper levels inserted in this area. The existing window into the Janitors office will remain in essence but be converted into a display cabinet to allow for further historical items in the Town Hall collection to be displayed.

The existing modern flush doors leading from the Crush Hall into the predominantly 20th Century extension will be replaced with six panel raised and fielded oak doors and frames. These will be in keeping with the character of the Crush Hall, and provide a positive contribution to this area, whilst remaining visible as a modern intervention. The existing Supper Room also on this floor is of 20th Century construction and features an attractive stained glass ceiling lantern. Within this area it is proposed to extend the existing kitchen to accommodate an expanded kitchen and separate bar area. The proposed internal extension will retain the existing lantern, with the partition wall to the kitchen and bar reflecting the partial panelling and painting proposed within the remainder of the Supper Room. The doors proposed will be to the same design as those leading from the Crush Hall into this area. In addition to this the HMS Invincible bell is proposed for location in this room in a new constructed niche with tudor-arched head.

Within the Crush Hall, the existing public telephone is proposed for removal and replacement with a display case, to match the existing display case opposite.

Leading upwards from the staircase proposed from the existing Janitors office at ground floor level, an existing area of void (mezzanine floor) will be converted into an office/store area divided with stud wall partitions. Landing no. 4 for the lift will also be located here. Window openings are already in existence in the external walls, these are proposed to be unboarded and new timber windows inserted. A second staircase is proposed for insertion within this space leading to the first floor.

Within the first floor area, a number of alterations are proposed, involving reorientation of the existing modern partition walls and installation of a kitchen. It is proposed to install a staircase, connecting to that on the mezzanine level below. This would replace the existing fire escape route.

Below the ground floor area is located the existing cellar. This area is proposed for use as a beer cellar and lift room. A number of alterations are proposed in order to accommodate the new staircase and lift area, including the sealing of an existing entranceway and the removal and erection of internal wall partitions. These alterations will have little effect upon the character and appearance of the Listed Building.

In conjunction with the above works a comprehensive fire detection system and intruder alarm system is proposed for installation, within a number of areas. These include the lower ground floor, ground floor, mezzanine level and the first floor. The system is a proven fire detection system for historic buildings, using air-sampling technology to protect from smoke and fire. Details of the insertion in sensitive parts of the Town Hall will be further safeguarded by condition.

In conclusion, it is considered that the proposed alterations whilst extensive, would preserve and enhance the character and appearance of this Grade II* Listed Building, keeping the building active and adapted for more regular use as a Town Hall. The proposals are therefore supported, subject to appropriate conditions.

RECOMMENDATION

That the Committee be **Minded to Approve** the application and it be referred to Government Office for the North East for ratification subject to the following conditions:

CONDITIONS

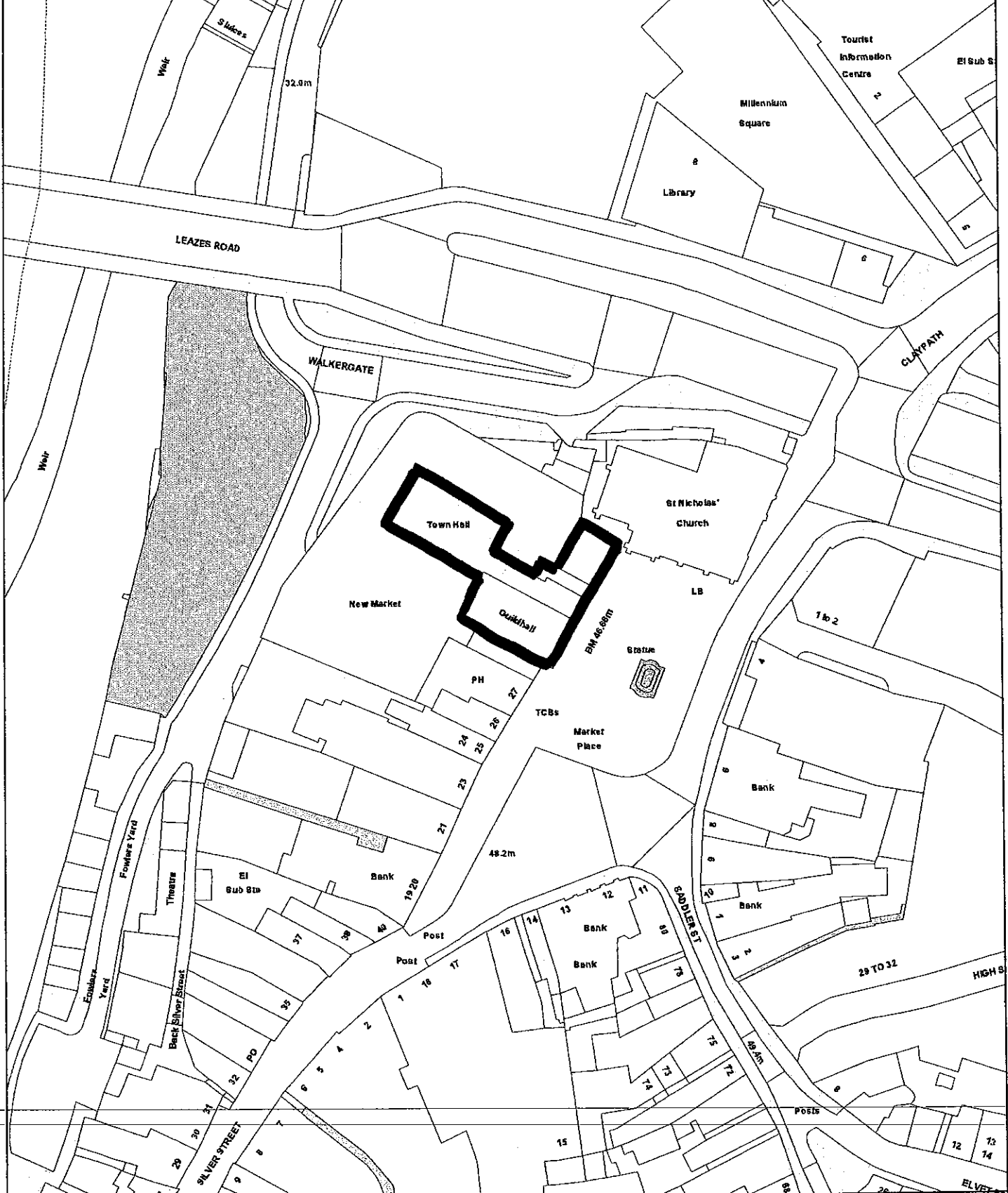
1. T1 - Time Limit Full Approval 2004
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. DT4 - External Materials
4. DT5 - Materials Sample
5. DT11 - Fenestration Details
6. DT12 - Windows in Reveal
7. DT13 - Sash Windows
8. DT18 - Schedule of Joinery Details
9. LB1 - Manner of Demolition R41
10. LB2 - Examination of Hidden Features
11. FD1 - Ventilation Scheme
12. FD2 - Operation of Ventilation Scheme
13. FD3 - Refuse Litter Provision R41 –
14. FD6 - Operation of Extraction Equipment
15. Notwithstanding the information shown on the submitted plans, full details of the proposed pipe work, chimney and connections for the ventilation system within the kitchen/bar area to include details of materials, shall be submitted to, and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.
16. Notwithstanding the information shown on the submitted plans, full details of the proposed fire detection and alarm system, to include details of cable runs, methods of attachment, materials, and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
17. Notwithstanding the information shown on the submitted plans, full details of the proposed intruder alarm system, to include details of cable runs, methods of attachment, materials and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

18. Notwithstanding the information shown on the submitted plans, full details of the proposed internal orientation of the bar and kitchen area, to include details of the location of proposed screens, kitchen equipment and bar equipment including cellar connection systems and pipe work, drawn to a scale of 1:50 shall be submitted to, and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.
19. Notwithstanding the information shown on the submitted plans, full details of the proposed Time and Attendance system, to include the proposed size, design and finish of equipment, proposed locations of equipment, connections and methods of attachment drawn to a scale of 1:50 shall be submitted to, and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.
20. Notwithstanding the information shown on the submitted application, examples of the type of wood, and the finishes proposed for the doors, Supper Room panelling, bar and kitchen area and staircases 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.
21. Notwithstanding the information shown on the submitted plans, details of all door furniture to be used and the standard of 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.
22. Notwithstanding the information shown on the submitted plans, full details of the precise design and finish of the proposed access doors into the lift area from the lower ground floor drawn to a scale of 1:50 shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the approved scheme.
23. Notwithstanding the information shown on the submitted plans, a detailed method statement and elevational drawings to a scale of 1:50, relating to the proposed exposure of stone work to the left hand archway within the new reception area shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the approved scheme.
24. Notwithstanding the information shown on the submitted plans, full details of the proposed electrical wiring and connections drawn to a scale of 1:50 shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the approved scheme.
25. Notwithstanding the information shown on the submitted plans, full details of the proposed signage to the new reception area drawn to a scale of 1:50 shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the approved scheme.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
City of Durham Local Plan 2004
Consultation Responses and Various File Notes
Planning Policy Guidance Notes and Statements

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/07/00020/LB
Town Hall, Market Place, Durham

Comments

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Date 15 March 2007

Scale 1:1000

ITEM NO. 2

4/07/0073 Banks Developments Ltd	Sheraton House, Sheraton Park, off Darlington Road, Nevilles Cross, Durham Conversion of Sheraton House to form 25 apartments, construction of apartment building to rear to form 22 apartments, and associated infrastructure works, car parking and landscaping
---	--

SITE & APPLICATION DESCRIPTION:

Sheraton House is a substantial detached Edwardian building, the more southerly of two – Neville House standing to the north, located within the former New College (Nevilles Cross) site which is currently being redeveloped as Sheraton Park.

Immediately to the north of the building is open space, which will eventually form a key central landscaped area within the overall Sheraton Park development. To the south runs Clay Lane, with the Almoners Barn housing development beyond. To the east lies Dalton Crescent, a curved row of townhouses partially occupied and partially still under construction, while to the west is the largely occupied Faraday Court row of townhouses.

The proposal is to convert the original Sheraton House to residential use, with 25 apartments distributed throughout its three floors, and the facades fully restored. More recently added 1960s extensions would be demolished, and a new apartment building erected to the rear to house 22 apartments at both two and three storey level.

Car parking would be located to the north of Sheraton House on the edge of the central open space, and off Faraday Court, with 53 resident and 8 visitor spaces provided. Of the 61 spaces total only 3 would be accessed from Faraday Court.

Parking for the already approved Neville House residential conversion is also indicated in slightly amended form on the proposed site layout, with 71 spaces to the rear and front of that building, the latter abutting the central open space, and 11 spaces adjoining Faraday Court.

The proposed apartment block to the rear of Sheraton House would be separated from it by a landscaped courtyard, and communal bin storage and a utilities metre cupboard would also be visually assimilated within that space.

The apartment building would be of a contemporary flat roof design. The main three storey element would face south onto Clay Lane with a central pedestrian entrance and landscaped forecourt. The existing “bat wall” at the building’s south west edge would remain, as would the electricity substation to the south east. Although subject the NEDL permission it is proposed that the latter be clad and possibly landscaped to disguise its unsympathetic form. A second bat roost structure to the east of Sheraton House will also be treated in a similar way.

To visually link the outer edges of the rear of Sheraton House with the new apartments, a series of staggered two storey elements will turn the corners as they address the Dalton Crescent – Clay Lane and Faraday Court – Clay Lane curved junctions.

In terms of materials, the restoration and conversion of Sheraton House would rely upon the use of the existing building's predominantly red brick and slate. The new apartment building would employ brick on the staggered two storey side elements, but the main three storey component would be of lighter weight materials. Although its width would give the block a strong horizontal emphasis, this would be tempered by the introduction of vertical elements. Timber and glass are the predominant materials for the main southern façade, with stained Oak, treated in situ for long life, chosen to compliment the wooded setting of Clay Lane.

An additional reason for the choice of wooden panelling is to reduce the perception of overlooking for the residents of Almoners Barn properties to the south. While distances between the proposed apartments and Almoners Barn comply with planning guidelines, it has been recognised by the architects that there is still a perceived issue of privacy to address, and this has been done by minimising glazing. Furthermore, by arranging the timber panelling in an asymmetrical and apparently random manner, the formality of the building is also reduced.

No roof gardens are proposed, and access to the flat roofs would be restricted. Accommodation would comprise a mixture of one and two bedroom flats, maisonettes and studios.

The application is supported by a comprehensive planning statement, incorporating project background, impact assessment, design and access statement, and sustainability statement. The applicants have carried out extensive community consultation, both prior to and following this application's submission, including a public exhibition and individual neighbour discussions.

RELEVANT HISTORY:

Planning permission was granted in November 2002 for the comprehensive redevelopment of the New College (Nevilles Cross) site. To be known as Sheraton Park, the scheme comprised the conversion of Neville House to apartments, the conversion of Sheraton House for offices or a mixture of offices and leisure activities, the erection of 209 dwellings, management and enhancement of open space, a playing field, woodland, and footpath routes, and the creation of highway and associated infrastructure. A Unilateral Undertaking was offered as part of that proposal, benefits including the provision of an all weather playing pitch at Meadowfield Sports Centre, the creation of a community benefit fund, and the creation of a management company to maintain the extensive open areas within Sheraton Park in perpetuity.

Subsequently, planning permission was granted for the conversion and extension of Neville House to form 67 apartments, whilst in 2004 planning permission was given for a detached office building to the rear of Sheraton House, with associated infrastructural works to include an underground car park beneath the central open space within Sheraton Park.

In 2006 a planning application was lodged in respect of a revised office development to the rear of Sheraton House, but in response to neighbour opposition to the scheme, as a result of the design's scale and massing, this was withdrawn prior to formal committee determination and a replacement application for apartments substituted. This in turn was withdrawn following concerns expressed by officers regarding design and massing.

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 (LP) 2004:

Policy C5 identifies the former New College Nevilles Cross site as land suitable for residential, office, leisure or institutional uses subject to safeguards.

Policy H2 allows new housing within the Durham City settlement boundary on previously developed "windfall" sites, subject to safeguards.

Policy H12 seeks, where a local need exists, a reasonable proportion of affordable housing on schemes of 25 units or more, and an appropriate variety of house types and sizes.

Policy H13 seeks to protect character and amenity levels within residential areas.

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

Policy R2 expects the provision of minimum levels of open space within residential developments.

Policy T10 requires adequate off-street parking provision within residential areas.

Policy Q15 encourages the provision of artistic elements within new development with, where appropriate, a percentage of the build cost used to add value to the scheme's design.

REPRESENTATIONS:

STATUTORY RESPONSES: The County Highway Authority is satisfied that the Sheraton Park road network can safely accommodate the level of traffic that would be generated by this proposal. The Authority is also content with the level of parking provision and its disposition.

The Environment Agency offers no comment other than referring the applicants to Standing Advice contained on the Agency's website.

INTERNAL RESPONSES: The City Council's Environmental Health Officer offers no comments other than a request for a planning condition governing working hours and construction practices, to protect the amenity of those living close by, should planning permission be granted.

PUBLIC RESPONSES: Comments have been received from three Faraday Court residents. The first, living at number 1, was concerned about the scheme as first submitted which included three storey staggered units visually linking Sheraton House and the main new apartment building facing Clay Lane. This approach, it was felt, led to oppressive massing for those living nearby, and would seriously restrict sunlight to their homes. The applicants have responded by adopting two storey links, and have added a fourth stagger. This is now acknowledged as an improvement, but the concern about loss of sunlight resulting from the massing of the main Clay Lane element of the building remains.

The resident of number 3 has made similar comments. Additional concerns include the impact of construction hours, the unsightly nature of both the bat roost structure to the east of Sheraton House and the substation to the south east that are to be retained, and the possibility of apartment occupants repainting the wooden shutter elements to their visual detriment.

Finally, the occupant of number 4 was most concerned about the impact of the originally proposed three storey staggered blocks, and access via Clay Lane where no parking provision is provided. The consequence, it is suggested, would be inconsiderate parking around the corner in Faraday Court.

A Clay Lane resident objects to the proposals on the grounds of additional traffic, including bin collection generated by the new apartments and the consequent safety of local children.

The City of Durham Trust has commented that the conversion of Sheraton House is acceptable but consider the parking provision inadequate and note that the provision of residential units in place of offices/leisure will exacerbate the looming problem with housing allocation numbers through the RSS.

PLANNING CONSIDERATIONS:

This proposal represents probably the final phase of the Sheraton Park development. The 2002 planning permission determined the acceptability of the overall redevelopment of this former Further Education site, at which time it was the developer's intention to convert and extend Sheraton House either for office or a mixture of office and leisure use. An absence of operator interest led to the leisure element being abandoned, and subsequently planning permission was granted for the conversion of the house for office use. Banks themselves were to relocate their headquarters in the also approved new build to the rear.

A more recent application for a more radical office to the rear of Sheraton House was withdrawn due to local opposition to the scale and massing. Subsequently, an application to convert Sheraton House to apartments with a new apartment block to the rear was withdrawn following concerns expressed by officers concerning its dominant form. The current application is a response to both neighbour and Planning Services observations.

In land use terms the proposed development seeks to utilise a "brown field" site within the city settlement boundary, and is therefore PPG3 and LP Policy H2 compliant.

The site lies in a sustainable location with good public transport and footpath links to local facilities and services (PPG1), and is compatible with the remainder of Sheraton Park (C5). The design is innovative, yet sympathetic to both the existing Sheraton House and its surroundings (Q8), both private open space, within the courtyard, and public open space within the overall Sheraton Park development are provided (R2), while parking satisfies the requirements of LP Policy T10.

The mix of residential provision within the apartments, in terms of size and type is welcomed and this is particularly true when considered within the overall context of Sheraton Park. This development would now provide a wide range of accommodation from one bedroom flats to five bedroom houses, thus offering a rich variety of choice, and contributing towards a balanced community.

I am aware that the issue of affordable housing must be addressed for proposals of this size, but would agree with the applicants that this is an exceptional case. As an integral part of the overall Sheraton Park development a package of community benefits was negotiated, and subsequently delivered, by the applicants. In addition, substantial additional costs have been, and will be, incurred to save and restore in a sensitive manner the unlisted Neville and Sheraton Houses. Therefore it is argued that the benefits to this sensitive part of Durham will in this particular case offset the provision of affordable housing, the concept of which formed no part of Sheraton Park's original vision and consent.

In regard to "percentage for art", again the applicants argue that a high standard of design and landscaping was always part of Sheraton Park's design philosophy, and this has been demonstrated by the bespoke house types adopted by volume builders Barratt and Bett Homes, and by the care taken by Banks in the management of the infrastructure, woodland, and landscaping provision. However, as part of their current proposals, the applicants will carry out additional landscaping, in a creative manner, within the central green area between Neville and Sheraton House, and disguise the existing substation and bat structure close to Sheraton House.

Accordingly, it is considered that LP Policies H12 and Q15 have been satisfactorily addressed.

I now turn to neighbour concerns. Those directed towards the height and consequent impact of the staggered side three storey elements of the proposal, where they faced Faraday Court properties, predate the amended drawings. By reducing these to two storeys and adding an additional stagger, the mass is reduced both vertically and laterally. I have reconsulted neighbours accordingly but have not received responses.

In regard to traffic and parking, the Highway Authority accepts the proposals as satisfactory and safe. I am of the opinion that most traffic associated with these apartments will enter the central area parking to the north of Sheraton House at the entrance between it and Dalton Crescent without needing to enter Clay Lane, therefore traffic entering that lane and Faraday Court beyond would be limited in number. Parking provision in Clay Lane would not be desirable, as it has always been important to the overall Sheraton Park philosophy to retain the lane's rural wooded character.

Finally, there is the issue of loss of sunlight to Faraday Court. Sheraton House and the proposed apartment building to the south lie to the west of Faraday Court houses. Accordingly, only late afternoon sun would be affected, particularly during summer months. Bearing in mind that existing rear offshoots to Sheraton House are already in place, and that an extant planning permission for office development already exists, the judgement that has to be made is whether the current proposal will worsen the situation.

In response to this matter the scheme architect has carried out an exercise to determine the acceptability of impact. Although a less than straightforward exercise, put simply, British

Standard (BS) 8206 Part 2: Code of Practice for Day lighting, which is the standard adopted for national planning guidance, recommends that 25% of total sunlight hours for a given site should be available for living accommodation, including at least 5% during winter. New development should not result in loss of sunlight below this level.

By taking a point 2 metres above ground level at the mid point of the living room window of 1 Faraday Court, a number of points, each representing 1% of available sunlight, have been plotted using diagrams derived from the BRE Guide "Site Layout Planning for Daylight and Sunlight". The conclusion is that the daylight available for an unobstructed sight at latitude 53.5N and 56N would be 1392 hours, and that available to the property in question would be 48% of that ideal at 668 hours. This is well in excess of the recommended minimum of 25% at 348 hours. In winter it would be 16% at 222.5 hours compared with the recommended minimum of 5% at 69.5 hours.

This assessment is considered convincing and whilst I sympathise with the neighbour concerned, who will undoubtedly experience some loss of sunlight, as will neighbouring properties, it is my conclusion that this will not be to such a degree that Faraday Court homes will become significantly less pleasant places in which to live. Accordingly, I do not consider the objectives of LP Policy H13 to be prejudiced.

I am therefore able to support this application, 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. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees,

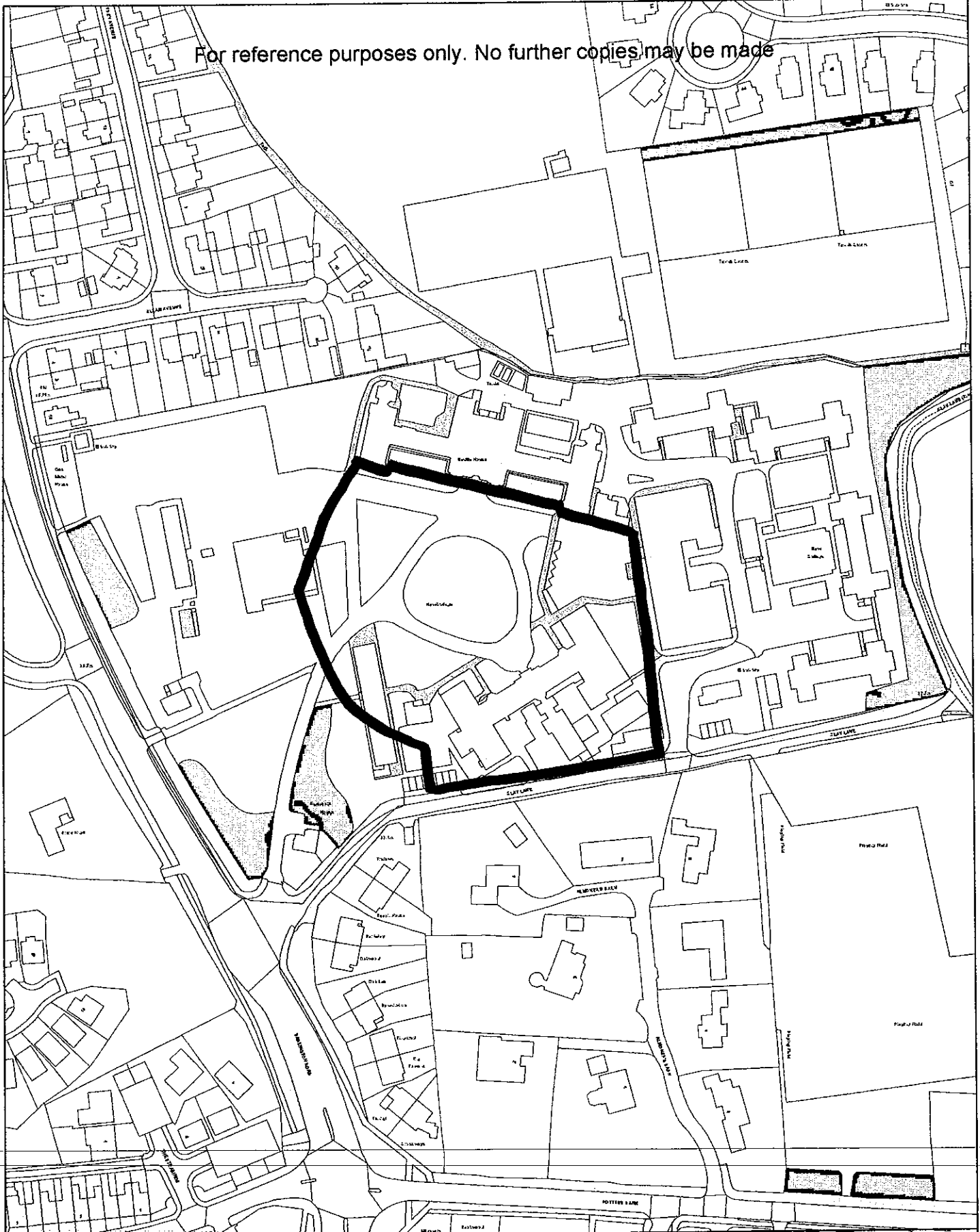
shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

7. No development shall commence until a scheme for the enhancement of the appearance of the electricity substation to the south east of Sheraton House, and of the bat structure to the east, has been agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full prior to any occupation of the approved apartments.
8. Construction operating hours shall be confined to between 8 00 am and 6 00 pm Monday to Friday, and 9 00 am to 2 00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.

BACKGROUND PAPERS

Submitted Planning Application Forms and Plans
City of Durham Local Plan 2004
Consultation Responses and Various File Notes
Planning Policy Guidance Notes and Statements

For reference purposes only. No further copies may be made



City of Durham
Planning Services

Application No. 4/07/00053/FPA
Sheraton House, Off Darlington Road, Nevilles Cross

Comments

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Date	15 March 2007	Scale	1:1875
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CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE 29th March 2007

Reports for Information

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

29th 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 Harrison Properties Limited

Site at Unit 41, 22 Dragonville Industrial Park, Dragon Lane, Durham, DH1 2XH

An appeal has been lodged by Harrison Properties Limited against the Council's refusal to grant planning permission for change of use from general industrial (B2) unit to mixed use of workshop (B1) and shop (A1) at Unit 41 Dragonville Industrial Park, Dragon Lane, Durham, DH1 2XU.

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 Harrison Properties Limited

Site at Costspex Opticians, Unit 41 Dragonville Industrial Park, Durham

An appeal has been lodged by Harrison Properties Limited against the issue of an Enforcement Notice in respect of the change of use from general industrial (B2) unit to a mixed use of workshop (B1) and retail shop (A1) at Costspex Opticians, Unit 41 Dragonville Industrial Park, Dragon Lane, Durham

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.

1.3 Appeal by Mr J Petrie

Site at St Aidans Church, Front Street, Framwellgate Moor, Durham, DH1 5BL

An appeal has been lodged by Mr J Petrie against the Council's refusal to grant planning permission for the erection of a porch at St Aidans Church, Front Street, Framwellgate Moor, Durham, DH1 5BL.

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.

**1.4 Appeal by Mr P McGowan
Site at 9 Mount Joy Crescent, Durham, DH1 3BA**

An appeal has been lodged by Mr P McGowan against the issue of an Enforcement Notice in respect of the erection of a single storey flat roof extension to rear of existing dwelling house and insertion of door in rear yard wall at 9 Mount Joy Crescent, Durham, DH1 3BA

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.

**1.5 Appeal by Mr G Marshall
Site at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA**

An appeal has been lodged by Mr G Marshall against the Council's refusal to grant planning permission for erection of garage/store at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA.

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 S C Ryder
Site at land to rear of 15 The Avenue, Coxhoe, Durham, DH6 4AD**

The above appeal against the Council's refusal to grant outline planning permission for the erection of 1 no. single storey dwellinghouse (all details reserved) on land to the rear of 15 The Avenue, Coxhoe, Durham, DH6 4AD, has been dismissed in the Council's favour. (See Appendix (A))

Recommendation

That the report be noted.

**2.2 Appeal by Mr W Morgan
Site at former site of S G Petch Garage, Front Street, Framwellgate Moor, Durham, DH1 5EJ**

The above appeal against the Council's refusal to grant planning permission for the demolition of existing buildings and erection of three storey pitched roof building containing ground floor retail units and 4 no. first and second floor apartments with associated storage, parking and landscaping areas at former site of S G Petch Garage, Front Street, Framwellgate Moor, Durham, DH1 5EJ, has been dismissed in the Council's favour. (See Appendix (B))

Recommendation

That the report be noted.

3. Planning Applications determined under Plenary Powers

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

4. Building Control Applications determined under Plenary Powers

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

Confirmation of Tree Preservation Order – 9 Vicarage Terrace Durham

5.

TPO/PN1/390	9 Vicarage Terrace, Durham Ash Tree to Rear
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This Tree Preservation Order was served on the 18th October 2006. The Order was made to protect a prominent mature Ash tree, considered to be under threat as a result of a change in ownership coupled with the suitability of the location for siting a garage which would involve the loss of the tree.

The tree is a large, mature specimen, visible to the public and contributing to local tree cover.

The Order has effect for 6 months and it is now necessary to confirm the Order.

Two telephone calls were received in objection to the TPO, and one in support. One formal objection was received in writing.

The objection can be summarised as:

1. The tree is close to properties
2. The tree is blocking light and causing dampness
3. The tree is close to an existing garage
4. The tree roots may damage nearby drains
5. The property in which the tree is located has been derelict for 12 months and there is no insurance cover.

In response to the above objections:

1. The tree is approximately 15m in distance from the nearest dwelling. Few cases of subsidence involving Ash trees occur at distances of 15m or greater and it is considered that tree removal would be premature in the absence of evidence of structural damage linked to the tree.
2. Trees are often perceived to block light to nearby properties and the level of alleged nuisance can be very variable and subjective. Shading is a foreseeable effect of living near trees, and is not considered to be sufficient nuisance to necessitate tree removal (for example there are many examples in the built environment where buildings cast shade, but it would be unreasonable to require removal of a building for this reason).
3. The tree appears to pre-date the garage, therefore it would be reasonable to assume that the foundations of the garage were constructed to take account of the tree's presence.
4. Tree roots rarely damage intact drains or ducts. If roots have grown into a drain or duct and proliferated to cause a blockage, the fault is usually in the pipe or duct, not the tree roots, and the most reasonable course of action is to repair or replace the damaged area.
5. These circumstances are of a civil nature and outside the scope of the relevant planning act.

That Tree Preservation Order PN1/390, 9 Vicarage Terrace, Coxhoe, be confirmed with no modifications.

Recommendation

That Tree Preservation Order PN1/390, 9 Vicarage Terrace, Coxhoe, be confirmed with no modifications.

A handwritten signature in black ink, appearing to read 'C. O'Neill', with a large, stylized initial 'C'.

Chris O'Neill
Landscape Architect
12/03/2007



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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gov.uk

Date: 21 February 2007

Appeal Ref: APP/Z1320/A/06/2030469

Land to the rear of 15 The Avenue, Coxhoe, County Durham, DH6 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr S C Ryder against the decision of Durham City Council.
- The application Ref 4/06/00753/OUT, dated 25 July 2006, was refused by notice dated 21 September 2006.
- The development proposed is 1 no single storey dwelling house.

Procedural Matter

1. The application was submitted in outline with all detailed matters reserved for future consideration. I have determined the appeal on this basis.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of neighbouring residents, with particular regard to privacy; (iii) the living conditions of potential occupants of the proposal, with particular regard to outlook; and (iv) highway safety, with particular regard to parking provision.

Reasons

4. The appeal site is currently the rear garden of No 15 The Avenue, which lies on the opposite side of the back lane, to the rear of the terraced property. To its east and west the site adjoins the rear gardens of other dwellings in The Avenue and to its north lies Peterson Dale, a modern housing development. A number of the gardens incorporate garages near or adjoining the back lane. Many of these are of wooden construction with low-pitched, metal or asphalt roofs. However, the areas of garden beyond the garages, together with the rear gardens of the dwellings in Peterson Dale, provide a belt of largely undeveloped land. In my view this is an attractive element in the character and appearance of the immediate area.
5. Whilst I appreciate that the dwelling layout submitted with the planning application is purely indicative, I consider it likely that even a very modestly sized, single storey dwelling would be substantially bigger, both in area and height, than the existing garages. I agree with the Council that such a building would therefore appear incongruous in the middle of a

terrace of rear gardens, facing a back lane. Its built form would inevitably extend beyond the line of garages, encroaching into the belt of currently undeveloped garden land between The Avenue and Petterson Dale houses. In my opinion, therefore, the proposal would be harmful to the character and appearance of the area and thus conflicts with the parts of policies H3, H10 and Q8 of the City of Durham Local Plan (CDLP) which require that development is in keeping with, and appropriate to, the character of its surroundings.

6. The appellant has referred to a similar development, recently approved at appeal, to the rear of 17 Front Street East in Coxhoe. I have seen this site and find that its position at the end of a terrace of gardens, immediately adjacent to the substantial village hall building, means that its effect on the character and appearance of the locality is not comparable with this proposal. I do not agree with the appellant that the appeal proposal has a similar end of terrace location. Whilst the line of dwellings on The Avenue is briefly interrupted by the side road leading to the back lane, the appeal site itself is in the middle of a continuous line of rear gardens.
7. The Council has argued that it is effectively not possible to construct a dwelling on the site whilst maintaining the required 21m separation distance between elevations of houses incorporating windows. This requirement is set out in the supporting justification of policy Q8 of the CDLP. Whilst this may be so, I consider that the tall coniferous hedging on the northern boundary of the site means that it is likely that the dwelling could be sited nearer than 21m to the Petterson Dale properties to the north, without causing any loss of privacy or other harm to their occupants. The appellant has stated that he would be willing to remove the first floor window on the rear offshoot of No 15, this room already being served by a window on the side elevation of the offshoot. I note that this alteration could be secured by a Grampian style condition and would prevent any significant loss of privacy between the occupants of the proposal and those of No 15.
8. To ensure an adequate outlook for the potential occupants of the proposal, the main windows of the dwelling would need to be located several metres from the tall hedge on the boundaries of the site. However, even accounting for these constraints, I consider that it would be possible, with careful design, to construct a very modest, single storey dwelling on the site which provided satisfactory living conditions for both its own and neighbouring residents. Consequently I find that, in principle, the proposal has no conflict with the parts of policies H10 and Q8 of the CDLP which refer to protecting the amenities of nearby properties and the occupants of new dwellings.
9. The appellant has stated that it is his intention to provide parking space for both the new dwelling and No 15 on the appeal site, which I judge would be a practical proposition. Furthermore, on-street parking on The Avenue, to the front of No 15, is unrestricted; appears to be generally available and would not, in my view, cause any significant highway safety problems. I note that policy T10 of the CDLP states that off-street parking in new development should be limited in amount and, on average, in residential developments should not exceed 1.5 spaces per dwelling. I therefore find that, in principle, the proposal does not conflict with this policy nor with the parts of policy H10 which require parking provision for backland development to accord with policy T10.
10. However, notwithstanding my conclusions in respect of parking, highway safety and the living conditions of nearby residents and the potential occupants of the dwelling, I consider

the proposal's harm to the character and appearance of the area to be of overriding importance, and for that reason alone the appeal should not be allowed.

11. I appreciate that, in principle, new housing in Coxhoe is supported by local and national planning policy and that the proposal would make efficient use of previously developed land. However, I do not consider that these issues outweigh the harm I have found the proposal would cause to the character and appearance of the area.
12. For the above reasons, and having regard to the views of local residents and all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR



Appeal Decision

Site visit made on 28 February 2007

by **Dennis Johnson, BA DipTP MRTPI**

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

Appendix B
The Planning Inspectorate
4th Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e mail enquiries@planning-
inspectorate.gsi.gov.uk

Date: 7 March 2007

Appeal Ref: APP/Z1320/A/06/2028484

Former site of S G Petch Garage, Front Street, Framwellgate Moor, Durham DH1 5EJ

- 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 Mr William Morgan against the decision of the City of Durham.
- The undated application (Ref 4/06/00179/FPA) was refused by notice dated 7 June 2006.
- The development proposed is retail unit(s) with rear access delivery and storage with first and second floor apartments split into four units of five beds each unit.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The two main issues in this appeal are the effect of the proposed development on (a) the living conditions of neighbouring occupiers, with particular reference to visual impact and privacy, and (b) the character and appearance of the area.

Planning Policy

2. The development plan includes the City of Durham Local Plan (2004). Policy Q8 sets out a number of requirements relating to the layout of residential development. The second of these seeks to minimise the impact of such development on the occupants of existing nearby and adjacent properties. The seventh requirement is that the development should be appropriate to the character of its surroundings.

Reasons

Living Conditions

3. The proposal entails the redevelopment of a building currently used by a flooring company. The proposed building would comprise a three-storey central section with two-and-a-half to three-storey wings and a single-storey portion at the rear. The proximity of the south wing to the side boundary of Dunelm, a two-storey semi-detached dwelling, combined with its height, would be such as to have an overbearing visual impact on the neighbouring dwelling's occupier when viewed from the rear garden. The space available for boundary landscaping would be insufficient to soften this visual impact to any significant extent.
 4. Though the appellant describes the bedroom windows that would overlook the rear garden of Dunelm as secondary windows, interested persons have observed that the internal layout of the proposed apartments suggests that the rooms are designed for use as both sleeping and living accommodation. The windows of bedroom 4 of the first and second floor apartments in the south wing of the building would directly overlook the rear garden of Dunelm at close quarters, unacceptably reducing the level of privacy enjoyed by that dwelling's occupier. I acknowledge that the existing occupier has not raised privacy as a concern, but I have to consider the interests of future occupiers.
-

5. The appellant has suggested a condition requiring the use of obscure glass but, in my opinion, it would be unreasonable to deprive the occupiers of these rooms of any external views. I conclude on this issue that the proposed development would materially harm the living conditions of the occupier of Dunelm by reason of overbearing impact and loss of privacy. The proposal would thereby conflict with requirement 2 of Local Plan Policy Q8.

Character and Appearance

6. The appeal site is prominently located at a road junction at one end of a linear local shopping centre. The Salutation public house, a large building varying in height between one and three storeys, provides a focal point on the opposite corner, but the junction otherwise lacks definition, being dominated by large expanses of carriageway, paving and car parks. The bulk of the proposed building would be broken down by split roof levels and articulated elevations. As a result, the building would make a positive contribution to the townscape, providing a second focal point and echoing the scale of the public house, whilst at the same time being successfully assimilated into its immediate surroundings.
7. I conclude on this issue that the proposal would not harm the character and appearance of the area and that it would thereby accord with requirement 7 of Local Plan Policy Q8.

Other Matters

8. It is undisputed that the proposed mixed-use redevelopment scheme would represent the efficient use of previously developed land and would accord in principle with local and national policy expressed in Local Plan Policy S5 and Planning Policy Statements 6: *Planning for Town Centres* and 3: *Housing*. I have not been presented with sufficient evidence relating to housing land policy to enable me to consider the possible relevance of the City of Durham Trust's comments concerning an alleged oversupply of new housing.
9. It appears to me that the other concerns raised by interested persons, including access arrangements, car parking provision, traffic implications and the adequacy of main drainage capacity, are either ill founded or capable of being addressed by suitable conditions. I note that the Council's decision was contrary to officer advice, but Council members are entitled to reject their officers' advice provided that they have sound planning reasons for doing so.

Conclusions

10. Despite the absence of harm to the character and appearance of the area, the proposal's compliance with local and national shopping policy and its efficient use of previously developed land, I conclude on balance that the harm to the living conditions of the adjacent occupier that I have identified is the overriding consideration in this appeal. For this reason alone and having regard to all other matters raised, I conclude that it should be dismissed.

Formal Decision

11. I dismiss the appeal.

D C Johnson

INSPECTOR

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 1 March 2007

WEEK NO.9/2007

1. The following applications were **APPROVED** subject to the conditions set out in Appendix A.

Number and Applicant	Location	Proposal
06/01168/FPA Mrs D Todd	4 Durham Road Brancepeth Village Durham DH7 8DQ	Erection of extension to side of existing dwelling, incorporating two storeys of accommodation
06/01247/FPA Mr And Mrs Kay	9 Whitwell Acres High Shincliffe Durham DH1 2PX	Removal of existing conservatory and erection of single storey pitched roof extension and new conservatory to rear of existing dwelling
06/01250/FPA Miss K Slowe	5 Hillcrest High Shincliffe Durham DH1 2PQ	Erection of dormer window, oriel window, and single storey pitched roof extension to rear of existing dwelling
06/01254/FPA Mr R Taylor	43 Dorlonco Villas Meadowfield Durham DH7 8RZ	Erection of two and single storey pitched roof extensions to rear of existing dwellinghouse
06/01267/FPA T J Morris Ltd	Unit 7 Dragonville Retail Park Dragon Lane Durham DH1 2WP	Installation of new shopfront
07/00004/AD Durham Market Company	28 Market Place Durham DH1 3NJ	Erection and display of hanging sign
07/00005/FPA Mr A Burnip And Miss L Proctor	23A Bridgemere Drive Pity Me Durham DH1 5FG	Erection of two storey pitched roof extension to side and rear and single storey pitched roof extension to rear of dwellinghouse (revised and resubmitted)

07/00006/LB
Mrs D Todd

4 Durham Road
Brancepeth Village
Durham
DH7 8DQ

Erection of extension to side of existing dwelling, incorporating two storeys of accommodation

07/00008/FPA
Mr P Barker And Ms C
McGregor

15 Springwell Road
Durham
DH1 4LR

Erection of two storey pitched roof extensions to side and rear of existing dwellinghouse including raised decking area to rear and erection of new porch

07/00009/FPA
Dr Butler And Dr Green

Roscarn
Brandon Village
Durham
DH7 8ST

Erection of detached garage store building to rear of property and conversion of existing integral garage to study including erection of entrance porch and landscaping works to side of property

07/00049/FPA
Mr C Simpson

8 Oliver Crescent
Shadforth
Durham
DH6 1LP

Erection of two storey pitched roof extension to side of existing dwellinghouse

APPENDIX A

City of Durham
Applications Determined Under Plenary Powers
Printed on 1 March 2007
Week No.9/2007

Applications recommended for conditional approval – conditions

4/06/01168/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials
DT4	External Materials
DT5	Materials Sample
DT11	Fenestration Details
DT12	Windows in Reveal
DT13	Sash Windows
DT15	Roof Details
DT18	Schedule of Joinery Details
DT31	Rainwater Goods
LA5	Protection of Trees Hedges during Const
LB2	Examination of Hidden Features

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

Notwithstanding the information shown on the submitted plans the design of the roof lights shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

4/06/01247/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials

4/06/01250/FPA

T1	Time Limit Full Approval 2004
DT4	External Materials
DT7A	Complete Accord
DT34A	Timber Windows

4/06/01254/FPA

T1	Time Limit Full Approval 2004
DT3	Finish of Materials
DT7A	Complete Accord

4/06/01267/FPA

T1	Time Limit Full Approval 2004
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4/07/00004/AD

TL3 Advert Approvals
LB2 Examination of Hidden Features

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

4/07/00005/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any order revoking or re-enacting that order, no new windows or openings shall be formed in the side elevation of the pitched roof extension hereby approved without an application for planning permission having first been submitted to and approved in writing by the Local Planning Authority.

4/07/00006/LB

T1 Time Limit Full Approval 2004
DT3 Finish of Materials
DT4 External Materials
DT5 Materials Sample
DT11 Fenestration Details
DT12 Windows in Reveal
DT13 Sash Windows
DT15 Roof Details
DT18 Schedule of Joinery Details
DT31 Rainwater Goods
LA5 Protection of Trees Hedges during Const
LB2 Examination of Hidden Features

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

Notwithstanding the information shown on the submitted plans the design of the roof lights shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

4/07/00008/FPA

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

4/07/00009/FPA

T1 Time Limit Full Approval 2004
DT5 Materials Sample

DT11	Fenestration Details
RU16	Garage Conversion
LA2	Landscaping Scheme Full Reserved Matter
DT8	Enclosure Details to be Agreed

4/07/00049/FPA

T1	Time Limit Full Approval 2004
DT4	External Materials

List of Regularisations

From 01/02/2007 to 13/03/2007

Number and Applicant	Location	Proposal
07/00133/OTHDRG Mr Monk	50 Petterson Dale Coxhoe Durham DH6 4HA	Garage converted into room
07/00137/OTHDRG Acorn Foundation Engineering Ltd	21 & 22 Marshall Terrace Gilesgate Durham DH1 2HX	Underpinning
07/00216/GLAZRG Mr Anthony Hicks	5 Hallgarth View High Pittington Durham DH6 1AS	Replacement Windows
07/00222/OTHDRG Mr Chissell	98 Grange Road Carrville Durham DH1 1AQ	Doorway bricked up and made into window and installation of new door
07/00233/GLAZRG Richard Jackson	18 Goodwell Lea Brancepeth Durham DH7 8EN	Replacement Windows
07/00265/GLAZRG Mr Whittaker	Mill House Shincliffe Mill Shincliffe Durham DH1 2SU	Window Replacement

