

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 31st May, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Lodge, Marsden, Rae, Simmons, Simpson, Southwell, Stoddart, Walker, Wolstenholme and Young.

Also Present: Councillors Kellett, Lightley, Robinson, M.J.A. Smith, Thomson, Turnbull, Wilkes and Wilkinson.

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cowper, Crooks, Plews and Taylor.

22. MINUTES

The Minutes of the Meeting held on 19th April, 2007, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

23. 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 P Tognarelli – Site at The Old Cottage, Whitesmocks, Durham, DH1 4LL
 - (iii) Appeal by J McManus – Site at land to rear of 17 Malvern Villas, Gilesgate, Durham, DH1 2JW
 - (iv) Appeal by Kingswood Properties Limited – Site at land adjacent to 224 Finchale Road, Newton Hall, Durham, DH1 5QP
 - (v) Appeal by M Moore – Site at Broom Hall Farm, Broompark, Durham
 - (vi) Appeal by Mr & Mrs Turnbull – Site at The Gardens, Sunderland Bridge, Durham, DH6 5HD
 - (vii) Appeal by N Swift – Site at 34 Young Street, Durham, DH1 2JU
 - (viii) Appeal by N Swift – Site at 7, 8 & 9 Waddington Street, Durham, DH1 4BG

- (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, DH1 1JA
 - (ii) Appeal by Kepier Homes LLP – Site at Ustinov College/Kepier House, Off Mayorswell Close, Durham
 - (iii) Appeal by P McGowan – Site at land to rear of 40 Fieldhouse Lane, Durham, DH1 4LT
 - (iv) Appeal by J Coates – Site at Langley Wood, Sleetburn Lane, Langley Moor, Durham, DH7 8LQ

- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

24. DECISIONS MADE BY THE COUNTY COUNCIL

Note: Councillors Marsden, Simmons and Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

- (a) **CM4/07/252**
Durham County Council **Cassop Primary School, Cassop, Durham**
Installation of new entrance to include ramp, steps and porch

The above application was considered by the City Council under delegated powers on 5th April, 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.

Note: Councillors Laverick, Simmons and Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

- (b) **CM4/07/40**
Durham County Council **Belmont C of E Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP**
Installation of kitchen ventilation ductwork equipment on flat roof

The above application was considered by the City Council under delegated powers on 12th February, 2007, when it was resolved to raise objection to the proposed kitchen ventilation ductwork on the grounds that it is considered detrimental to visual amenity on this location, due to its size, position and detailed design, contrary to Policy Q7 of the City of Durham Local Plan 2004.

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

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

- (c) **CM4/07/127**
Durham County Council **Durham Newton Hall Infants School, Langley Road, Newton Hall, Durham, DH1 5LP**
Provision of ventilation ductwork over kitchen roof

The above application was considered by the City Council under delegated powers on 25th April, 2007, when it was resolved to raise objection for the following reasons:-

- The proposals are considered to be detrimental to the visual amenity of the area

and the adjacent residential properties in particular, contrary to Policies Q7 and H13 of the City of Durham Local Plan 2004.

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

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

Resolved: That the reports be noted.

25. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00239/FPA**
S Williams

63 North Road, Durham, DH1 4SQ
Alteration and extension of existing commercial and residential property to form retail shop and three bedroomed flats

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 both at the front and rear of the property and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Before development is commenced details of all flues, vents and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.
- (4) - Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all pilasters, fascias, corbels, leadwork and weathering, drawn to a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
- (5) - Notwithstanding the information shown on the submitted plans no balconies shall be

erected on any part of the proposed building and details of the position, design and materials of any external fire escape to be provided shall be submitted to and agreed in writing with the Local Planning Authority before the development commences and implemented in full accordance with the approved details thereafter.

- (6) - As shown on the submitted plans, the pedestrian access and egress from the application site shall be via North Road, alone.
- (7) - The ridge height of the front elevation of the application site shall be below the ridge height of the adjacent property at no. 62 North Road as shown on the submitted plan referenced NR1A4.
- (8) - Unless otherwise agreed in writing with the Local Planning Authority the internal bin area shown on plan NR1A4 shall be implemented in accordance with the details shown on the plan and retained as such thereafter.
- (9) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details at the front and rear of the property 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.
- (10) - Unless otherwise agreed in writing with the Local Planning Authority, the internal layout of the flats with three bedrooms shall be implemented and retained as such thereafter.

**(b) 07/00329/FPA
Design Build and
Develop**

**Land rear of High Street North, Langley Moor,
Durham
Erection of 9 no. two storey houses, with dormer
windows in three blocks of three, with associated
parking, landscaping and fencing**

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

- (1) By virtue of their size, layout, massing and detailing the proposed dwellings are considered to be out of scale and character with the character of the surrounding area, contrary to Policy Q8 of the City of Durham Local Plan 2004.
- (2) By virtue of their size, massing, fenestration arrangement, and layout the proposed buildings are considered likely to neither

provide adequate amenity and privacy for each dwelling, nor retain a level of privacy and amenity that residents of existing property could reasonably expect to enjoy, contrary to Policy Q8 of the City of Durham Local Plan 2004.

- (3) The level of parking provision proposed, amount of available vehicular turning space, and width of the proposed footway to the front of the development, are all considered inadequate and would lead to conditions prejudicial to highway safety contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.
- (4) The proposed development involves the development of a greenfield site without justification that there are clear quantifiable regeneration benefits and is therefore contrary to Policy H3 of the City of Durham Local Plan 2004.
- (5) The full effects of the proposed development on the environment and local community cannot be properly assessed due to the lack of adequately detailed and accurate information submitted in the planning application.

(c) 07/00335/FPA
Anvil Homes

**Land adjacent Cheveley Park Shopping Centre,
Belmont, Durham**

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 scheme.
- (3) - Details of any fences, wall 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) - 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.
- (6) - Before the first dwelling hereby approved is occupied a commuted sum for the benefit of local community facilities shall be paid to the Local Planning Authority in lieu of the provision of open and play space within the development. Such a sum shall be calculated in accordance with the requirements of the City of Durham Local Plan 2004.

The Chairman had agreed to accept as a matter of urgency due to the time factor involved, the Supplementary Report of the Head of Planning Services in relation to four Tree Preservation Orders:

26. TREE PRESERVATION ORDERS

(a) PN1/394 – St. Aidan’s Church, Framwellgate, Durham

This Tree Preservation Order was served on 24th November, 2006. The Order was made to protect trees considered to be under threat due to proposed works to the church. The Order had had effect for 6 months and it was now necessary to confirm the Order.

Objections had been received to the Order.

The large, mature sycamore tree had a particularly interesting form (lapsed pollard), was of intrinsic worth, and was visible from Pity Me Front Street, the adjacent community centre and the grounds of St. Aidan’s Church. The tree was considered to be an irreplaceable landscape feature, which added maturity and contributed to the character and appearance of the local areas. The tree was also important to the setting of the church, which appeared to be of a similar age. The tree was scored using a standard score sheet, which confirmed that the tree definitely merited protection by virtue of its contribution to local visual amenity.

Confirmation of the TPO would safeguard the tree’s contribution to local visual amenity in lieu of receiving additional information.

Resolved: That Tree Preservation Order PN1/394, St Aidan’s Church, Framwellgate, be confirmed without modification.

(b) PN1/395 – Land between Bolton Close and Alnwick Road, Newton Hall

This Tree Preservation Order was served on 1st December, 2006. The Order was made to protect 2 no. rows of various tree species e.g. sycamore, lime, cherry, birch and ash. The trees contributed to local visual amenity and character by adding to

local tree cover, forming a visual link between open spaces and creating a buffer between housing. They lined an existing path, and were fully visible from public open spaces and from over 15 no. nearby dwellings.

A planning application was received for a change of use from public open space to private garden, and there was local concern that some of the trees were under threat in association with this.

No objections had been received to the TPO.

Confirmation of the TPO would safeguard the trees' contribution to the local visual amenity.

Resolved: That Tree Preservation Order PN1/395, Land between Bolton Close and Alnwick Road, Newton Hall be confirmed without modification.

(c) PN1/398 – 57 Gilesgate, Durham

This Tree Preservation Order was served on 11th January, 2007. The Order was made to protect a mature sycamore tree considered to be under threat due to the receipt of a removal notice.

The tree was of visual importance for its contribution to the character and appearance of the local area which was within the Durham Conservation Area. Local tree massing contributed significantly to local character. The tree also screened existing buildings.

No objections had been received to the TPO.

Confirmation of the TPO would safeguard the tree's contribution to local visual amenity.

Resolved: That Tree Preservation Order PN1/398, 57 Gilesgate be confirmed without modification.

(d) PN1/399 – 1 South Avenue, Shadforth

This Tree Preservation Order was served on 13th December, 2006. The Order was made to protect significant trees considered to be under threat due to the owner's wish to remove them. The trees contributed to the character of the local area and helped screen and soften existing housing.

A number of objections had been received to the TPO, and an appeal was currently in progress following the refusal of a TPO application to fell the protected trees. The appeal had not yet been decided.

The owner was responsible for maintaining the trees in a safe condition. No arboricultural evidence had been received to confirm that the trees were in a dangerous condition with removal being the only option. It was therefore considered to be premature to authorise their removal.

No evidence of structural damage to nearby houses had been received in relation to the trees. 1 South Avenue had been extended towards the trees in that past, and it is reasonable to assume that the presence of the trees would have been taken into account when specifying foundations.

Confirmation of the TPO would safeguard the tree's contribution to local visual amenity in lieu of receipt of the inspector's decision on the TPO appeal.

Resolved: That Tree Preservation Order PN1/399, 1 South Avenue, Shadforth be confirmed without modification.

The Meeting terminated at 6.35 p.m.

Chairman

**DEVELOPMENT CONTROL COMMITTEE
21 JUNE 2007**

REPORT OF DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES

Land adjacent to Sniperley Park and Ride

On the 6 September 2006 Development Control Committee considered an application submitted by M A Allan & Partners for outline planning permission for the erection of 30 no. flats in a three storey development with associated parking on land adjacent to the park and ride terminal at Sniperley (application 06/00643/OUT refers).

The application was recommended for refusal and Members endorsed that recommendation, specifying a total of 10 reasons why the application should be refused.

A decision letter was subsequently issued to the applicants.

I recently received correspondence from Blackett Hart & Pratt Solicitors who represent the applicants. They have advised me that their client's planning agent drafted a letter on the 2 September 2006, on his client's instructions, withdrawing the planning application. The letter was delivered to the City Council's offices on Monday 4 September, 2 days before the Development Control Committee but regrettably the correspondence did not come to the attention of the planning officer who was dealing with the matter until after Development Control Committee had considered the application on the 6 September and determined to reject it.

As Members are aware had the letter from the applicant's agent purporting to withdraw the application, been received by the officer dealing with the committee items that evening, the application would have been automatically withdrawn from the consideration of the committee.

Although the applicants could of course have appealed against the decision to refuse permission for their proposal and also have the opportunity of submitting a further application on the same site, they have asked for the City Council to rescind its earlier decision and retrospectively mark the application as withdrawn rather than as refused.

There is no specific provision for a decision to be rescinded, contained with the Town and Country Planning Act 1990 although Members will be aware that in the event of an application being approved then the facility is provided for Members to revoke that earlier decision to grant planning permission.

It is unfortunate that the request to withdraw the application did not come to the attention of the relevant officer before the committee meeting and there is no satisfactory explanation as to why this should have occurred. Clearly it would have been advisable in the circumstances had the applicants agent spoken on the telephone to the case officer or communicated with the planning section by email, rather than simply hand deliver a letter which was not in anyway marked as urgent and did not, on the face of it, highlight the fact that the application was about to be considered by Development Control Committee. This letter simply states that it is a formal request for the application to be withdrawn to give time for further consideration of the site's potential and discussions with officers regarding other possible means of pursuing the applicant's objective.

That being so, I am satisfied that there is no reason why the City Council should not agree to rescind its earlier decision and if it were to refuse to do so then there is a significant risk any complaint to the Ombudsman would be upheld as maladministration.

In the circumstances it is recommended that the decision taken by Development Control Committee on the 6 September 2006 to refuse planning permission for application 06/00643/OUT be rescinded.

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

21 June 2007

REPORT OF THE HEAD OF PLANNING SERVICES

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

- a) Appeal by Mrs S Doran
Site at 50 Oatlands Way, Durham, DH1 5GL

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

- a) Appeal by Highway Media UK Ltd
Site at 7 Adolphus Place, (Facing Tesco), Dragonville, Durham, DH1 2RG
- b) Appeal by Melorform Holdings Ltd
Site at Builders Yard, Land to rear of Providence Place, Gilesgate Moor, Durham

1.2 Planning Applications – Determined under Plenary Powers

1.3 Building Control Applications – Determined under Plenary Powers

2. Decisions made by the County Council

Applicant No:	CM4/07/303
Applicant:	Durham County Council
Location:	Bowburn County Junior School, Surtees Avenue, Bowburn, Durham
Proposal:	Erection of kitchen ventilation equipment to existing flat roof

The above application was considered by the City Council under delegated powers on 5 April 2007 when it was resolved to raise objection to the proposed kitchen ventilation equipment on the grounds that is considered detrimental to visual amenity in this location, due to its size, position and detailed design, contrary to Policy Q7 of the City of Durham Local Plan 2004.

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

Recommendation:

That the report be noted.

3. Recommendation on other Applications

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

Number & Applicant	Location	Proposal	Recommendation
ITEM 1			
07/00334/FPA B And K Developments	Land At Meadowfield Industrial Estate St Johns Road Meadowfield	Erection of 22 no. office units with associated parking provision and landscaping	Approve
ITEM 2			
07/00358/FPA Mr S Williams	Former Coxhoe Picture House The Avenue Coxhoe Durham	Demolition of former picture house and erection of 5 no. dwellinghouses with associated access, parking and landscaping (revised and resubmitted)	Refuse
ITEM 3			
07/00399/FPA Miller Homes Ltd	Durham County Council Service Direct Finchale Road Newton Hall Durham DH1 5HH	Erection of 199 dwellings with associated access, parking, SUD provision and footpath link improvements	Approve

ITEM 1

07/00334/FPA B And K Developments	Land At Meadowfield Industrial Estate, St Johns Road, Meadowfield Erection of 22 no. office units with associated parking provision and landscaping
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SITE AND APPLICATION DESCRIPTION

The applicants wish to develop a 0.7795m² Area of land at Meadowfield Industrial Estate for office (Class B2) use.

The land lies centrally within the estate on the western edge of the main spine road – St Johns Road. To the north lies Apex Wiring Solutions, to the south a telecommunications mast with a shortly to be developed industrial site beyond. To the east, across St Johns Road, is another soon to be developed business site, while to the west lies part of the Wavin UK plastics manufacturing plant.

The office proposal consists of 16 units housed within three two storey pitched roof buildings arranged around three sides of a central area enclosed by a crescent shaped access road. Six more units housed within three more two storey pitched roof buildings would be sited centrally within the crescent. One hundred and seven employee parking spaces would be provided, subdivided by landscaped areas. An additional 37 space visitor car park would be provided at the eastern edge of the site next to the access road from St Johns Road.

The elevations are conventional, with generous areas of glazing balanced by brick, timber cladding and render wall coverings. Roofs would be tiled.

The application is supported by a Design and Access Statement.

RELEVANT HISTORY

None

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: 4: Industrial and Commercial Development and Small Firms takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high quality environment should be pursued together.

REGIONAL POLICY

Regional Planning Guidance for the North East RPG1 (now the statutory Regional Spatial Strategy) builds on national guidance stating that sustainable economic growth should take place whilst balancing the provision of a range of opportunities for development with the protection of community interests and the environment. A range of employment sites should be provided to allow existing firms to expand and to cater for the varied needs of new businesses.

The North East of England Regional Spatial Strategy (RSS) is a material consideration. It has emerged following an Examination in Public and has recently been the subject of a proposed changes paper (published May 2007). It reinforces national guidance focusing on sustainable economic development, whilst safeguarding the environment. It states it is important to meet economic regeneration needs, both in urban and rural areas, to diversify local economies.

LOCAL POLICIES

City of Durham Local Plan 2004

Policy EMP8 (General Industrial Sites) Meadowfield Industrial Estate is designated a General Industrial Sites and is classed as being suitable for Business (B1), General Industry (B2) and Warehousing (B8) uses.

Policy Q7 (Layout and Design – Industrial and Business Development) requires development of this type to be of a standard appropriate to the area in which it will be located, and be of a design and layout that will meet fully the needs of its users in terms of accessibility and safety.

Policy Q15 (Art in Design) requires in the provision of artistic elements to the design and layout of schemes and where this is not incorporated within the scheme, in accordance with the recently adopted Supplementary Planning Document, a financial contribution equivalent to 1% of the construction costs shall be made.

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raise no objection to the proposals, subject to the widening of the access road to 6m, and the kerb radii adjusted to 6m.

The County Archaeologist does not consider this proposal to raise any archaeological issues.

INTERNAL RESPONSES

The City Council's Heritage and Design officers accept the design and layout of this proposal subject to conditions relating to boundary treatment, and hard and soft landscaping being imposed upon any planning consent.

PUBLIC RESPONSES

None

PLANNING CONSIDERATIONS

In terms of location, design and layout, this development is entirely appropriate to this increasingly popular industrial estate, and has the potential to create economic growth for Durham.

The applicants' architects have amended their access road design to meet the County Highway Authority's requirements.

Accordingly, I am satisfied that national planning policy objectives have been met, as have Local Plan Policies EMP8 and Q7.

RECOMMENDATION

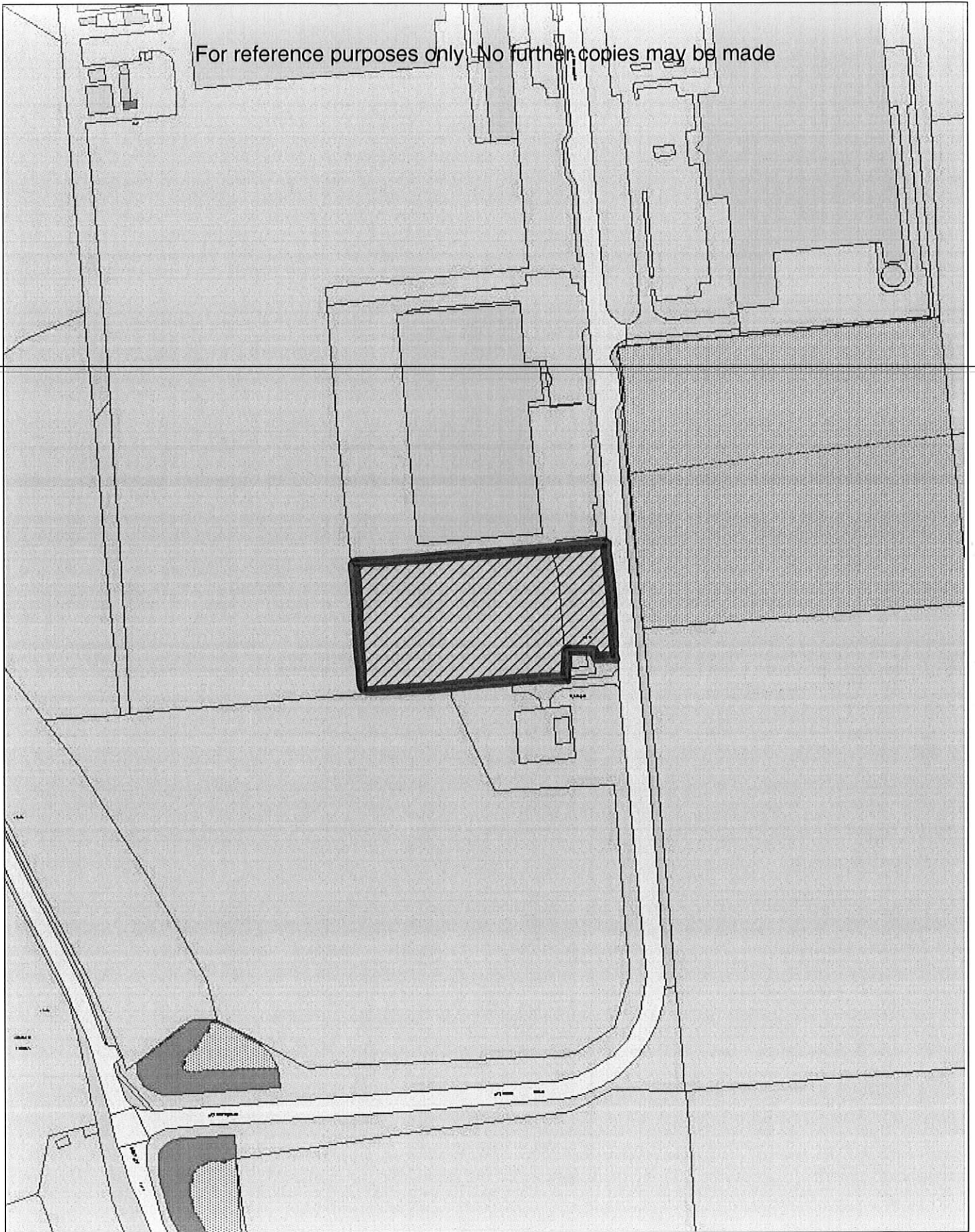
That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. 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.
3. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hard standing 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.
4. 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.
5. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
6. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.
7. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Government Planning Policy Statements/Guidance - PPS1 and PPG 4
City of Durham Local Plan 2004
Responses from Statutory and Internal Consultees

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

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Application No. 4/07/00334/FPA

Land At Meadowfield Ind Est, St Johns Road

Comments

Date

06 June 2007

Scale

1:2500

ITEM 2

07/00358/FPA Mr S Williams	Former Coxhoe Picture House, The Avenue, Coxhoe, Durham Demolition of former picture house and erection of 5 no. dwellinghouses with associated access, parking and landscaping (revised and resubmitted)
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SITE AND APPLICATION DESCRIPTION

The application site relates to the former Picture House and specifically to the rearmost part of the building, a large structure of brick and profiled sheet roofing which lies immediately behind the main area of shops and services within Coxhoe, although it does also lie within the defined Local Centre for Coxhoe. The frontage of the building is retained and does not form part of the application site. The site is surrounded by a mix of uses including the Working Men's Club immediately to the south, but is largely surrounded by residential properties.

Planning permission is sought for the demolition of the Picture House and the erection of a terrace of 5 no. two and half storey dwellings oriented north-south and with access provided from The Avenue. The dwellings would benefit from internal garages and gardens to the north side of the terrace.

RELEVANT HISTORY

This application is resubmission of a scheme which was withdrawn in January 2007 following discussions with Officers. The revised scheme has made changes to the design of the dwellings, the layout of parking and access arrangements within the site, together with the provision of a pedestrian route from the proposed dwellings directly onto Front Street.

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

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

REGIONAL POLICY

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

The North East of England Regional Spatial Strategy (RSS) is a material consideration. It has emerged following an Examination in Public and has recently been the subject of a proposed changes paper (published May 2007). It reinforces national guidance focusing on sustainable economic development, whilst safeguarding the environment.

LOCAL POLICIES

City of Durham Local Plan 2004

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

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

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

Policy H10 (Backland and Tandem Development) states that the development of such sites typically at the rear of existing houses in the form of back gardens will not be allowed unless a safe and satisfactory access can be provided, the amenities of new and existing occupiers are not adversely affected and the proposals are in scale and character.

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

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

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

Policy S5f (Local Centres – Coxhoe) relates in the main to the development of additional shops and services, however, infill housing or changes of use to housing will be acceptable provided the development does not erode the supply of land required for shopping or recreation facilities.

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

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

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

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority objects to the proposals on the basis of the restricted access arrangements and the dangerous junction onto The Avenue, and would not favour additional traffic using the rear lanes.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

There has been a significant level of public response to this application, both in support and in opposition of the proposals.

In terms of the objections to the proposals, a resident of The Avenue is concerned that the accesses onto The Avenue have poor visibility splays, one being in close proximity of the traffic lights with Front Street and that the rear lanes are only suitable for a single vehicle to pass, and consider that it would not be safe to use this means of access for the proposed development. A further writer, who would wish to see the site developed in some form, is concerned by the narrow width of rear lanes and the increased level of traffic using them.

In support of their application, the applicants have submitted a petition signed by 54 local residents offering their full support to the application. In addition, individually signed letters from 15 residents of Front Street have been submitted, together with six signed letters from residents in the surrounding area.

In addition to the supporting documentation supplied by the applicants, Coxhoe Parish Council have given their support for the redevelopment of the site, although they would have liked to see the frontage form part of the site and be included for redevelopment.

The Lord Mackenzie of Framwellgate has also expressed support for the proposals citing the need for the development to remove the existing building and that residents would prefer additional traffic rather than the eyesore currently on the site.

PLANNING CONSIDERATIONS

The main issues concern the principle of residential development at the site, the impacts upon visual and residential amenity, whether protected species would be affected and whether or not the proposal would be to the detriment of highway safety.

In terms of the principle of developing the site for residential purposes, the site is previously developed land and in accordance with national policy in PPS3 and Policy H3 of the Local Plan, its redevelopment for residential purposes would accord with the objectives of these policies. Officers have sought for many years to encourage a benign form of development of a site that occupies a prominent position within the heart of the village. The site lies within the local centre and the picture house, which, is in a poor state of repair, has been vacant for many years. It does not provide a community or retail/service facility and its loss will not lead to a lack of supply of land for shopping within the local centre thereby protecting its vitality and viability in accordance with Policy S5 of the Local Plan. Indeed, the pedestrian link provided as part of this revised scheme would assist in ensuring that prospective occupiers would be more inclined to make use of the shops and services available in the local centre.

The proposed dwellings would provide accommodation over three floors in the form a terrace of townhouses with half dormers to both front and rear elevations. The properties have a traditional appearance to them both individually but also as a terrace and are considered to be in scale and character with their surroundings. The removal of the Picture House itself would, it is considered, be beneficial in terms of the amenity of a number of residents from where it appears as an entirely dominant and oppressive building. The new dwellings would provide an adequate level of separation to surrounding properties, and while the north facing elevation would overlook gardens serving Front Street East, these gardens are not within the curtilage of the dwellings and the private amenity space located immediately at the rear of the properties will not be adversely affected. Therefore, the amenities of prospective and existing occupiers will be protected in terms of privacy and outlook. The proposals would, in these respects, accord with the requirements of Policies H3 and Q8 of the Local Plan.

A detailed bat survey has been carried out, and this has shown that the building is not used as a bat roost due to its construction and there will therefore be no impact on bats through the demolition of the building. Nature conservation interests have therefore been given full consideration in accord with Policy E16.

The acceptability of the proposals therefore rests upon whether or not the development would be to the detriment of highway safety. The site is considered backland for planning purposes, being located at the rear of existing properties and having a typical rear lane access. Policy H10, together with Policy T1 seeks to ensure that developments are served by a safe and satisfactory means of access and without harm to the amenity of existing occupiers. The site can be accessed by two separate accesses onto The Avenue, however, both have poor visibility splays and the westernmost of the two being in close proximity of the traffic lights in the centre of the village. The shortest route to the site would be from the westernmost access and traffic leaving the site and turning toward the centre of the village would have to turn across oncoming traffic at a junction with poor visibility. This would lead to conditions prejudicial to highway safety for pedestrians using the associated footways, road users and traffic associated with the proposed dwellings. In addition, the site itself is accessed by a series of right angle bends within the rear lanes which are narrow and the level of traffic generated by the development in addition to that which already uses it would be a further condition prejudicial to highway safety for both vehicles and pedestrians. The applicants have cited the approval of residential development for four properties at the rear of Roslyn House on The Avenue, which has an access immediately opposite that most likely to serve the development. The County Highway Authority have provided additional comments on this aspect and consider that the access serving 'Roslyn Mews' is of better width and visibility and vehicles turning toward the centre of the village as most would be likely to do, would not be required to turn across oncoming traffic.

It is recognised that the proposals have attracted significant support from local residents who are keen to see the existing disused building removed, however, highway safety is a primary material consideration to which significant regard must be had in determining applications. While finding that in all other respects the proposed development is considered acceptable,

this cannot be outweighed by the conclusion that the proposals are considered to be detrimental to highway safety in terms of traffic associated with the development, other road users and the safety of pedestrians, and accordingly I am reluctantly unable to offer my support for the application.

RECOMMENDATION

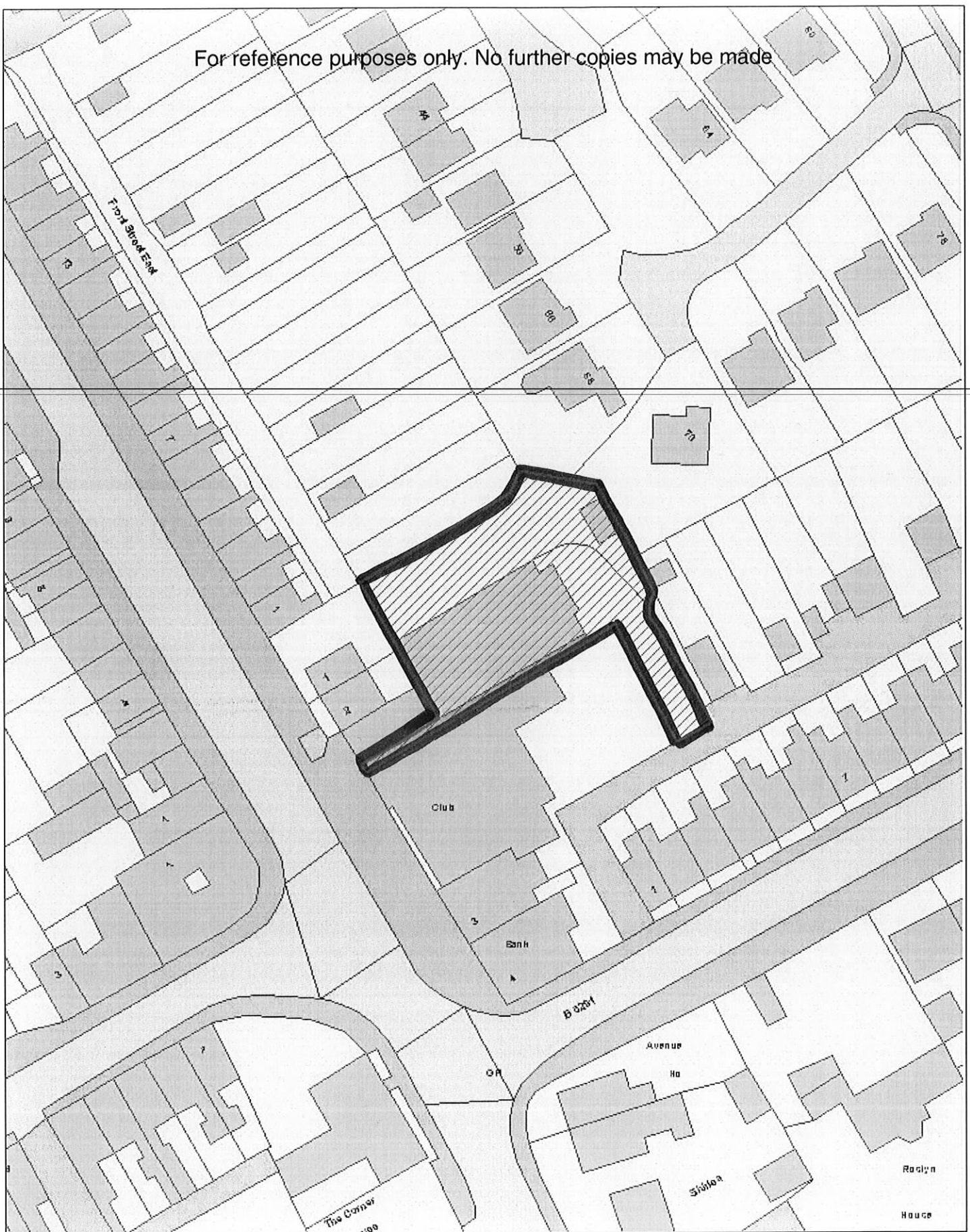
That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the proposed development would be detrimental to the highway safety of pedestrians, traffic associated with the development and other road users, by virtue of the intensified use of the narrow rear lanes serving the site, together with narrow visibility splays to junctions. This is contrary to Policies H3, H10 and T1 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans
City of Durham Local Plan 2004
Responses from County Highway Authority
Planning Policy Statements 1, 3 and 9
Regional Planning Guidance (RPG1) for the NE
Public Consultation Responses and Petition
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

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Application No. 4/07/00358/FPA

Former Coxhoe Picture House, The Avenue,
Coxhoe

Comments

Date

06 June 2007

Scale

1:750

ITEM 3

4/07/00399/FPA Miller Homes Ltd	Durham County Council Service Direct, Finchale Road, Newton Hall, Durham, DH1 5HH Erection of 199 dwellings with associated access, parking, SUD provision and footpath link improvements
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SITE AND APPLICATION DESCRIPTION

The applicants seek planning permission to clear the site, carry out any necessary decontamination, and erect 199 dwellings. These would comprise of 33 two bedroom apartments, 2 two bedroom bungalows, 64 three bedroom houses, 71 four bedroom houses, and 21 five bedroom houses, of two and three storey.

Vehicular access would be taken from Pit Lane to the east, using the site's existing access in an improved form. The east-west running footpath that runs between Pit Lane and Pity Me Front Street would be upgraded and incorporated within the development.

The internal road layout attempts to create a hierarchy of open spaces around which buildings are arranged. A distributor road runs through the site, off which are cul-de-sacs. The housing is a mixture of terraces, semi-detached, and detached dwellings, whilst apartments are located above garage blocks to infill between housing and to frame spaces.

Building designs are contemporary with Durham references. Through massing, arrangement, and choice of materials, an effort has been made to create neighbourhoods within the development, emphasised by varying floor treatment.

Existing boundary tree planting along the south and western site edges would be retained and reinforced, while additional tree planting would be carried out along the northern boundary.

A Sustainable Urban Drainage System (SUDS) utilising a reed bed system would be sited at the northern end of the nature reserve, and a new electricity substation would also be built.

The applicants state that they have followed Commission for Architecture and the Built Environment (CABE) design guidance set out in Government Circular 01/06, and consider their scheme to be of correspondingly high quality.

The site lies adjacent to a large County Wildlife Site that is covered by the provisions of Local Plan Policy E18. This application is supported by comprehensive two and three-dimensional drawings, a Design and Access Statement, Transport Assessment, Ecological, Archaeological, Geotechnical, SUDS, and Noise reports, and a full Tree Survey and Landscape Strategy.

RELEVANT HISTORY

Originally the site of Framwellgate Colliery, this land has in recent years been predominantly used by Durham County Council as a depot. With a new depot having now been established at Meadowfield Industrial Estate, the Framwellgate Moor site is being marketed by the County Council.

The nature reserve to the west, part of which forms the site of this application's SUDS proposal, is managed by the County Council.

An earlier planning application for 208 houses was refused planning permission in March 2007, despite officer support, on the following grounds:

1. The proposed development, by virtue of its layout, housing type mix and lack of affordable housing, would fail to meet the objectives of city of Durham Local Plan 2004 Policy H12 – “Affordable Housing”, and Policy Q8 – Layout and Design – Residential Development.
2. The proposed development, by virtue of its layout and disposition of dwellings, would lead to conditions prejudicial to the levels of amenity those living within the development and those bounding it can reasonably expect to enjoy. This would run contrary to the objectives of City of Durham Local Plan 2004 Policy H13 – Residential Areas – Impact upon Character and Amenity.

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

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

Planning Policy Guidance (PPG) Note 13: Transport

This PPG’s objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas.

Planning Policy Statement 23: Planning and Pollution Control - The policies in this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Local Planning Authorities in preparing development plans and they are also material to decisions on individual planning applications. Appropriate precautions should be applied to address known or suspected contamination arising from former industrial activities.

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

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. This is in the process of being replaced by the Regional Spatial Strategy (RSS) for the North East. Broadly summarised, its guiding principles are to promote an urban and rural renaissance, to contribute towards the sustainable development of the region, to reflect a sequential approach to land allocations, and encourage appropriate phasing, planning, monitoring, and management for new development.

LOCAL POLICY

Durham County Structure Plan (1999)

Policy 1 seeks to achieve more sustainable patterns of development that has an acceptable impact on local communities, the landscape, and nature conservation, and upon the existing infrastructure to include the highway network.

Policy 9 seeks to locate new housing within or well related to the County's main towns, with priority given to the redevelopment of derelict or redundant sites.

Policy 10 states that, within Durham City, new housing should take the form of redevelopment, infill, or consolidation within the existing built up area.

City of Durham Local Plan 2004

Policy H2 (New Housing within Durham City) allows new housing comprising 'windfall' development on previously developed land within the Durham City settlement boundary.

Policy H12 (Affordable Housing) requires a percentage of affordable housing to be provided on sites exceeding a certain size.

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

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

Policy E16 (Protection and Promotion of Nature Conservation), similarly, is aimed at protecting and enhancing the nature conservation assets of the district.

Policy E18 (Sites of Nature Conservation Importance) addresses Sites of Nature Conservation Importance, including County Wildlife Sites, affording them protection.

Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. As far as possible, Unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

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

Policy T15 (Parking in Residential Areas) states that the Council will seek to introduce controlled parking schemes which aim to provide better control over parking and restrictions on resident parking.

Policy R2 (Provision of Open Space – New Residential Development) requires on-site play and amenity space.

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

Policy Q15 (Art in Design) encourages the provision of artistic elements within new development.

Supplementary Planning Document (SPD): Provision of Affordable Housing (December 2006) is based on and clarifies Policy H12 (Affordable Housing) of the City of Durham Local Plan 2004. It gives guidance to developers, land owners and others on the City Council's approach to the provision of affordable housing within new housing development.

REPRESENTATIONS

STATUTORY RESPONSES

The North East Assembly has concluded that this proposal is in general conformity with the Regional Spatial Strategy as this relates to Durham. However, there is concern about the number of dwelling proposed, and requests that the Local Planning Authority (LPA) be satisfied that such a number would not compromise allocated housing sites coming forward for development. Additional concerns were raised about the provision of affordable housing, energy efficiency, development phasing, and Travel Plans.

ONE North East also raises the number of proposed houses as an issue, and requests that the LPA be satisfied that such a quantity would not prejudice visioning proposals for mixed use developments within the city centre, nor the bringing forward of more sustainable sites allocated for housing.

The County Highway Authority accepts the findings of the submitted Transport Assessment. The access, layout, and parking provision are considered to be safe, and traffic generation acceptable. However, a pedestrian island has been requested within the northbound approach to the site entrance on Pit Lane, and a traffic light controlled junction where Bek Road joins Pit Lane. A cycle link between the Caterhouse Road - Finchale Road junction and the Bek Road - Pit Lane junction are also required. Subject to appropriate planning conditions securing these highway improvements this application is not opposed by the Highway Authority.

The County Archaeologist considers the site to have high archaeological potential, therefore an appropriate planning condition is sought should consent be granted.

Northumbrian Water offers no objection to the proposal subject to the usual safeguards and mains connections.

The Environment Agency offers no objection and welcomes surface water drainage being directed through a reed bed system of ponds before discharge into a wetland system.

Natural England has concluded that these proposals are unlikely to have an adverse affect upon species protected by law, but requests appropriate ecology protection planning conditions to any approval.

INTERNAL RESPONSES

The City Council's Heritage and Design section considers the proposals to be acceptable in terms of layout, dwelling design and siting, and tree retention and protection.

PUBLIC RESPONSES

The resident of The Carrs Mill, which stands on the south eastern edge of the application site, has expressed concern regarding the impact upon his bungalow of the house proposed to the north, considering that it will diminish his amenity levels by overshadowing and overlooking. He is also concerned about the condition of the footpath that runs in an east – west direction between his home and the aforementioned new house. Currently it is unsurfaced but is likely to increase in use substantially should the proposals be approved.

Two letters have been received from Low Carrs Park residents, living to the north of the application site, expressing concern that this proposal will impact adversely upon their much treasured tranquillity. They express disappointment that the bungalows were not built along the Low Carrs boundary of the site to minimise impact, and that northern boundary screen planting stops short of the eastern edge of the site.

An expression of concern has also been received from a Pit Lane resident in respect of the height of proposed dwellings closest to her property, and the applicants' intention to connect into a rear lane sewer running between Pit House Lane and the proposed developments' eastern boundary which is considered by her to be private.

A Newton Hall resident opposes the development of this site for housing on the grounds of unacceptable traffic generation and additional pressure on local schools.

The Bede Social Club has drawn attention to the potential for noise nuisance to arise from the occasional use of its own facilities.

PLANNING CONSIDERATIONS

In evaluating this revised scheme Members must be mindful of the reasons for refusal of the earlier scheme. To address the residential amenity issues the applicants have acquired the Ace Motor Cycle Training land to the east and incorporated the land within the application site. Additionally, the number of units has only been reduced by nine, and the density has been reduced to a greater degree due to the larger land-take. Revisions have also taken place at the north- eastern corner of the site to minimise impact upon Pit Lane properties, while the housing mix is more equitable with the inclusion of two bungalows.

Affordable Housing was identified as an issue by Members as a reason for rejection of the previous proposal. This earlier scheme had been the subject of lengthy discussions with the Planning Authority before the Council's Cabinet approved (December 2006) a measure intended to trigger the requirement for affordable housing provision. The applicants were under the apprehension that Policy H12 of the Local Plan would not be applied and from the outset of negotiations they have not been in a financial position to offer the 30% level of affordable housing in full having concluded an acquisition from the vendor that did not factor in such a consideration.

The developers have since March 2007 sought to address the lack of affordable housing. An initial approach to offer 30% of housing units in the form of shared ownership was rejected by officers as being insubstantial; Officers do however accept that the developers are not in a

position to be able to fully comply with the terms of the Council's Supplementary Planning Document, which gives effect to Policy H12 of the Local Plan. It would furthermore appear reasonable that account should be given to the costs and benefits that constrain the developer's ability to improve upon its contribution to affordable housing. In this regard the developer has identified a range of site development costs and regeneration benefits estimated at £5.5m:

- Demolition and remediation treatment relative to this contaminated brownfield site;
- Site preparation works, relative to localised ground conditions;
- Ecological mitigation – due to adjacency of Local Nature Reserve/ County Wildlife site;
- Sustainable Drainage scheme (SUDS);
- Off-site Section 278 roadworks at junction of Finchale Road with Bek Road;
- % for art contribution; and,
- Archaeological investigation.

The settlement to effect the relocation of the motorcycle training centre and address the potential noise nuisance arising from the proximity of the site, has also substantially affected the developer's response to the affordable housing requirement.

Officers have therefore sought to negotiate a level of affordable housing of the type and level that seeks to increase the proportionate amount of social housing, whilst also delivering other forms of affordability in the form of shared ownership and mainstream units targeted at first time buyers. The latter, through a mix of house types (39 in total), equates to an additional 23% of the overall mix on site. When added to the social housing (20 units) with its affordable element in perpetuity and the shared ownership (7 units), this increases the 14% affordable provision (27 units) to a total of 66 units; representing 33% of the overall number of units proposed. This will be enshrined within a unilateral undertaking under section 106 of the Town and Country Planning Act.

The elements of this package compares favourably with the Council's strategy for delivering affordable homes through the Durham Villages Regeneration Partnership. The Council's officers have sought to maximise the proportion of social housing units and set a target figure of 18-20 units on the understanding that this could only be achieved if there were to be a reduction in the element of shared ownership and possibly the overall number of units available to first time buyers. Given the circumstances, I consider the package to be not unreasonable, bearing in mind also the associated regeneration benefits of the scheme.

Judged in purely land use terms, this proposal fully meets the objectives of Local Plan Policy H2 in being a housing proposal upon previously developed 'brownfield' land within the settlement boundaries of Durham City. The site is sustainable in terms of ease of accessibility via a variety of means of transport, including bus services, and is well placed relative to shops, schools, and other services. The scheme also makes use of a sustainable surface drainage system. I therefore consider it to also meet the objectives of PPS1, and Structure Plan Policies 9 and 10.

The County Highway Authority considers the submitted Transport Assessment to constitute a rigorous analysis of the likely traffic and transport impacts of the proposals, and subject to certain off-site highway improvements, at the expense of the developers, supports the scheme. I give due weight to that conclusion, and therefore consider this application compliant with PPG13 and Local Plan Policies T1 and T15.

The design and layout of the housing has been carefully reassessed with full consultation with my office following the earlier scheme's rejection by this committee, and I now consider it to be an imaginative and potentially attractive scheme that creates a series of distinctive spaces around which people will live and create pleasant neighbourhoods. In doing so

ecology and existing boundary tree cover has been respected. I therefore conclude that the objectives of Local Plan Policies E18, R2, Q8, E14, and E15 are met.

I have fully considered the expressions of concern raised by neighbouring residents:

In respect of the resident of Carrs Mill, the two storey dwelling that would be sited to the north would be facing him gable-on. There would be no windows serving habitable rooms in that gable, and it would stand 10 metres from the bungalow's rear extension, and 13 metres from its main rear wall. Two garden fences, separated by a footpath, would also stand between the properties, therefore it is my conclusion that privacy for either property's occupants would not be prejudiced. Similarly, as the new dwelling would stand to the north of Carrs Mill, sunlight would not be materially affected as the sun rises in the east and sets in the west, travelling between the two points via the south.

Representations from the Bede Social Club have also been taken into account. Whilst this use has the potential to create noise there is separate legislation designed to address complaints and a degree of mixed use already exists in the area. Whilst sympathetic to those living in Low Carrs, I am unable to agree that this proposal will impact upon their way of life and tranquillity to an unacceptable degree. The proposals have been carefully designed to respect Low Carrs, with new properties set back from the common boundary by a significant distance, with tree planting at the foot of their rear gardens. That planting has not been continued to the very eastern most point of the northern boundary due to lack of space between further proposed houses and that boundary. However, at that point on the northern boundary there are no park homes directly to the north.

Whilst turning to the Pit Lane resident concerns, the nearest proposed dwelling is over 20 metres away and separated by a rear lane and boundary fencing. In height it will be greater than the Pit Lane Terrace, therefore I am unable to accept that amenity levels will in any way suffer. The sewer connections are not directly a planning issue, but it is my understanding that the Water Authority has the ability to facilitate a connection into the rear lane.

Accordingly, and on balance, I am now once again able to fully support this proposal.

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. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no garages or car ports (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
10. 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.
11. 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.
12. 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.
13. 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.

14. The development of the site should be carried out in accordance with the approved Method Statement.
15. 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.
16. 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.
17. 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 forward most part of the dwellinghouse facing a highway without the grant of further specific permissions from the Local Planning Authority.
18. The proposed garages shown on the approved drawings 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.

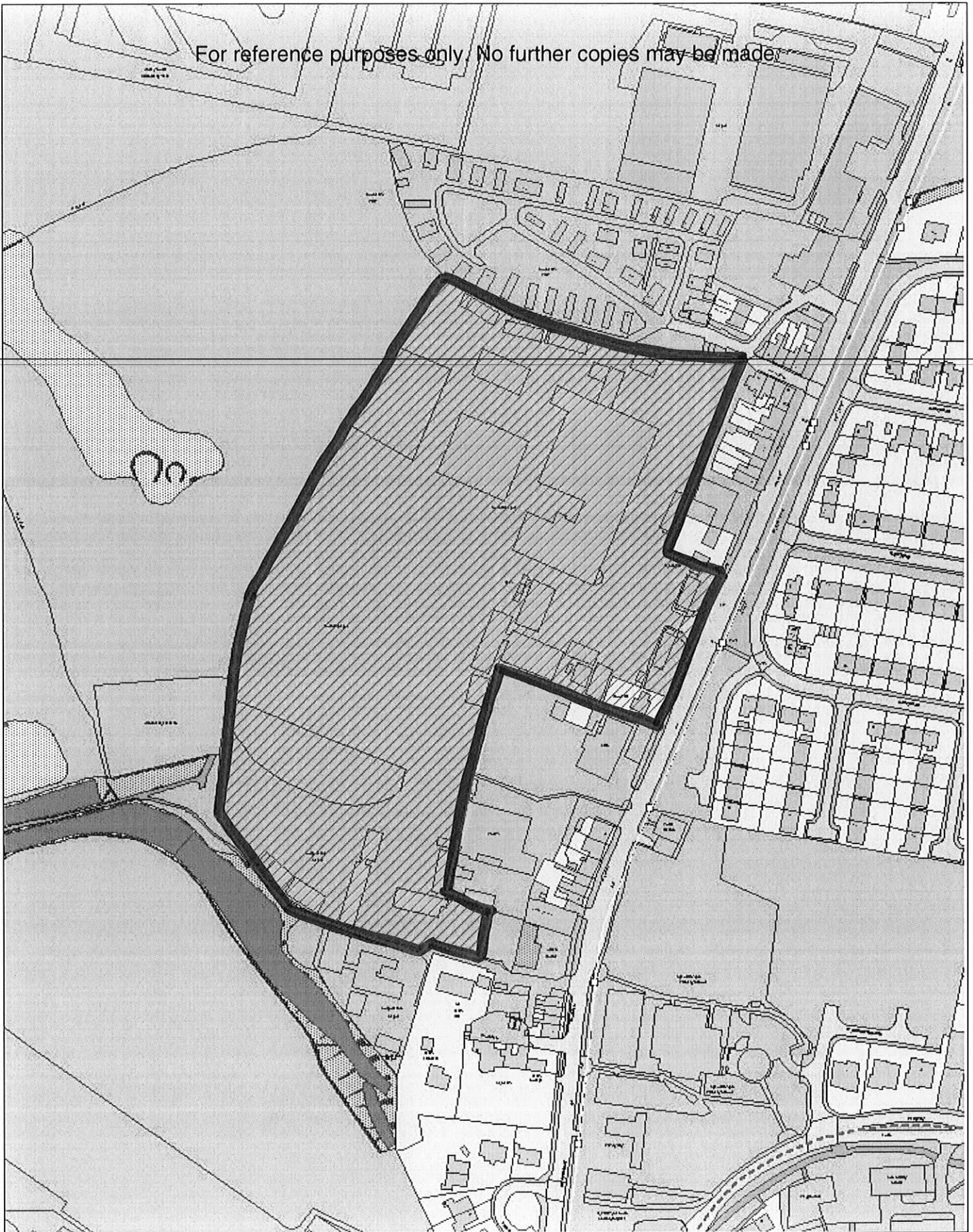
19. Prior to their occupation, dwellings on vulnerable site boundaries, plots to be identified, shall be the subject of noise attenuation measures, to include, inter alia, screen walling, double glazing, and trickle ventilation, a scheme for which must first be approved in writing by the Local Planning Authority.
20. Full details of the proposed Sustainable Urban Drainage System shall be agreed in writing with the Local Planning Authority and implemented in accordance with that agreement prior to the occupation of any dwelling within the approved development.
21. No development shall commence until a scheme for the traffic signal control of the Pit Lane - Bek Road junction has been approved in writing with the Local Planning Authority, and no dwelling shall be occupied prior to the completion of the aforementioned junction improvement.
22. No dwelling shall be occupied prior to the approval in writing by the Local Planning Authority of a scheme for cycle provision improvements along Finchale Road - Pit Lane, between the junctions with Caterhouse Road and Bek Road.
23. No dwelling shall be occupied until a pedestrian island has been constructed on Pit Lane adjacent to the site access.
24. On-site demolition shall be carried out in the following manner:
 - a. No demolition of existing buildings which contain potential roost sites shall be undertaken during the hibernation period [November to March inclusive].
 - b. Demolition works shall follow a method statement, to be agreed in writing with the Local Planning Authority, to address the risk that roosts may be present that could have been overlooked by the already undertaken summer survey.
 - c. Prior to full demolition, all external timberwork with a risk of providing cover for roosting bats shall be removed by hand with appropriate care.
 - d. Prior to full demolition of the northern and southern gatehouses and house as described within Bat Survey of Durham County Council Services Direct Depot at Finchale Road, Framwellgate Moor, Co. Durham, AJT 24 - 10 - 06 Rev. A, roofs shall be removed by hand and the remaining structure allowed to stand for a period of 5 days prior to the completion of demolition.
 - e. All works on site shall be undertaken as detailed within Method Statement for Clearance and Translocation of GCN [Section 7 within "Ecological Scoping Survey and Great Crested Newt Method Statement, Penny Anderson Associates Ltd, October 2006".
25. No windows shall at any time be inserted within the gable walls of plots 47 and 182 unless first agreed in writing with the Local Planning Authority.
26. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

BACKGROUND PAPERS

Submitted Planning Application Forms, Plans and Supporting Documents
Design and Access Statement

Previously submitted application 06/01116/FPA
Previous Committee Report – Development Control Agenda (15TH February 2007)
City of Durham Local Plan 2004
Planning Policy Statement (PPS) 1 - Delivering Sustainable Development
Planning Policy Guidance (PPG) 3 – Housing
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Guidance (PPG) 13 - Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance (PPG) Note 24: Planning and Noise
Regional Spatial Strategy (RSS) for the North East 2005
Durham County Structure Plan (1999)
Responses from Internal Consultees
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made.



City of
Durham

Planning Services

Application No. 4/07/00399/FPA

Durham County Council Service Direct, Finchale
Road, Newton Hall

Comments

Date

06 June 2007

Scale

1:2500

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CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE 21 June 2007

Reports for Information

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

21 June 2007

REPORT OF THE HEAD OF PLANNING SERVICES

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

**a) Appeal by Mrs S Doran
Site at 50 Oatlands Way, Durham, DH1 5GL**

An appeal has been lodged by Mrs S Doran against the Council's refusal to grant planning permission for the change of use of land and erection of boundary fence at 50 Oatlands Way, Durham, DH1 5GL.

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.

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

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

The above appeal against the Council's refusal to grant planning permission for the erection of the retention of a poster hoarding at 7 Adolphus Place, (Facing Tesco), Dragonville, Durham, DH1 2RG has been allowed. (See Appendix A)

Recommendation

That the report be noted.

**b) Appeals by Melorform Holdings Ltd
Sites at Builders Yard, Land to the rear of Providence Place, Gilesgate Moor, Durham**

The above appeal against the Council's refusal to grant planning permission for the erection of 2 no. semi-detached dwellinghouses on land at former Builders Yard, on land to rear of Providence Place, Gilesgate Moor, Durham has been allowed. (See Appendix B)

Recommendation

That the report be noted.

1.2 Planning Applications determined under Plenary Powers

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

1.3 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.



Appeal Decision

Site visit made on 14 May 2007

by Peter Hellawell

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
email: enquiries@pins.gsi.gov.uk

Decision date:
21 MAY 2007

Appeal Ref: APP/Z1320/H/07/1200941 7 Adolphus Place, Durham

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Highway Media UK Ltd against the decision of Durham City Council.
- The application Ref 4/06/01222/AD, dated 30 November 2006, was refused by notice dated 2 February 2007.
- The advertisement proposed is a poster panel.

Summary of Decision: The appeal is allowed on the terms set out below in the Formal Decision.

The Proposal

1. The appeal concerns a 48 sheet poster panel.

Main Issues

2. The principal issue in this case is the effect of the panel on the amenity of the area.

Planning Policy

3. The Council have drawn attention to their policies and I have taken these into account as a material factor in my consideration of the appeal. However, as the Regulations require that the local planning authority, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity, and where applicable, public safety, taking into account any material factors, I do not consider that the Council's policies should, by themselves, be decisive in the determination of the appeal

Reasons

4. The appeal premises are a car repair/fitting centre situated on the south side of Adolphus Place in the corner of its junction with Dragon Lane. The premises are within the Dragonville Industrial Estate which includes a Tesco superstore to the west. There is also a short row of houses to the north. The appeal panel is sited on the exposed western elevation and although it may not relate directly to the use of premises I am nonetheless of the opinion that it does not look out of place on this purely functional looking building. Furthermore, I am of the view that wall is sufficiently large to accommodate the panel without it creating the impression of clutter or appearing as an overlarge feature on the building.

5. The panel also faces the superstore car park with a car wash facility, associated kiosk and large blue canopy in the immediate foreground and when seen in this situation I do not consider that it stands out as an unduly intrusive feature in the locality. I have noted the presence of the housing to the north and the fact that two of these at the western end have a very oblique view of the panel. However, such a view is largely obscured by a tree and the car wash facility and in my opinion the panel would not unacceptably intrude into the outlook from these properties.

Conclusion

6. For the reasons given above, therefore, and having taken account of all the material factors, I conclude that the display of the panel is not detrimental to the interests of amenity.

Formal Decision

7. I allow the appeal and grant consent for the display of the 48 sheet poster panel as applied for. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

P Hellowell
Inspector



Appeal Decision

Site visit made on 15 May 2007

by **J Chance** BSc DipTP 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
email: enquiries@pins.gsi.gov.uk

Date: 4 June 2007

Appeal Ref: APP/Z1320/A/06/2030713

Builders Yard, Rear Providence Place, Gilesgate Moor, Durham

- 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 Melorform Holdings Ltd against the decision of Durham City Council.
- The application Ref 4/06/00777/FPA, dated 26 July 2006, was refused by notice dated 13 October 2006.
- The development proposed is the demolition of storage buildings and redevelopment of a builders yard to provide 2 No dwellings.

Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions set out below in the Formal Decision.

Main issues

1. The main issues are:
 - (a) the effect of the proposed development on the living conditions of the occupiers of nearby dwellings, paying particular attention to visual impact and privacy; and
 - (b) the effect of the proposed development on highway safety.

Planning Policy

2. The development plan includes the City of Durham Local Plan (LP)(adopted 2004). Policy T1 generally seeks to ensure that new development should not detrimentally affect highway safety or the amenity of occupiers of neighbouring property. Policy H10 deals with backland and tandem development. It indicates that such development will not be permitted unless a safe and satisfactory access and adequate parking in accordance with Policy T10 can be provided; the amenities of both the new and existing dwellings are not adversely affected; and the proposal is in keeping with the character, density and scale of surrounding development.
3. Policy Q8 sets out a number of requirements which new residential development should meet. One of these is that there should be adequate standards of amenity and privacy for each proposed dwelling and the impact on the occupants of existing nearby and adjacent properties should be minimised.

Reasons

Effect on the Living Conditions of the Occupiers of Existing Dwellings

4. The appeal site is surrounded by existing dwellings to the east, north and west, whose rear windows look towards the site and whose rear amenity

areas/gardens border onto the site. The Council is concerned about the effect on the amenity of the occupiers of those existing nearby properties.

5. In terms of visual impact, parts of the upper sections of the proposed dwellings would be visible from the rear rooms and rear amenity areas of the surrounding properties. However, the recommended minimum separation distance of 13m between a facing window and a blank two-storey gable in the justification for Policy Q8 to protect privacy and other amenity standards would just be met in terms of the existing dwellings to the west and east. Furthermore, the proposed dwellings have been designed with the intention of breaking up the overall mass and bulk of the building and, through the incorporation of dormers at first floor level, reducing the height at both eaves level and ridge level.
6. Moreover, the existing garages/stores already extend right up to the rear boundaries of some of the properties in Bevan Grove, forming a high upstanding wall along the common boundary. Although the proposed building would be higher than the current structure it would be some 3m further away and would not, in my opinion, be significantly more obtrusive to the outlook of those occupiers than the current wall. Although the proposed development would be likely to have a greater visual impact on the occupiers of the dwellings in Providence Place, again the building would be seen largely over existing fences or walls, and its scale and height would not, in my view, be such that it would be so dominating to the outlooks of those residents that it would unacceptably harm their enjoyment of their properties.
7. The ground level of the site is lower than that of the properties to the rear, indicated on the location plan as Marshall Terrace. Even though the proposed dwellings would be closer than the minimum facing distance recommended in the justification to Policy Q8, this difference in level would help to offset the potential harm resulting from the closeness of the proposal to those existing dwellings. I consider that the level difference would be such that it would reduce the visual impact of the proposed building on those occupiers to an acceptable degree, particularly as the existing rear boundary treatment of the nearest property would help to further screen the proposed development.
8. I therefore find that, in terms of its potential visual impact, the proposed development would not cause unacceptable harm to the existing occupiers of nearby dwellings.
9. In terms of the potential effects on the privacy of existing residents, there would, as a consequence of the proposed blank gables, be little opportunity for overlooking of the rear rooms or rear amenity areas of the existing properties in Providence Place or Bevan Grove. As regards the effects on neighbouring residents in Marshall Terrace, the proposed dwellings would each have a first floor bathroom window and a half landing window on their north elevations. Since the landing windows would provide light to the stairs and it would be reasonable to assume that the bathroom windows would be obscure-glazed, which could be required by planning condition, I consider that there would be little significant impact on the privacy of the existing occupiers of the properties in Marshall Terrace.

10. I find, therefore, that the proposed development would not unacceptably harm the privacy of the existing occupiers of neighbouring dwellings.
11. My findings that the scheme as proposed would just be acceptable in terms of visual impact and privacy rely on the particular design, building footprint, blank side gables and anticipated obscure-glazed bathroom windows remaining unaltered. Consequently, I consider it essential that conditions are imposed which take away permitted development rights to insert windows into the flank elevations, construct extensions, add further dormer extensions or construct ancillary buildings within the curtilage in order to protect the living conditions of nearby residential occupiers. Providing that such conditions are imposed, ~~even though the proposed dwellings would be close to existing properties, I nevertheless conclude that the proposed dwellings would not significantly harm the living conditions of the occupiers of nearby dwellings. I further conclude that there would be no serious conflict with LP Policies Q8, T1 or H10.~~

Effect on Highway Safety

12. The proposed development would be accessed via the existing car park constructed in connection with an earlier development for Tesco, with two dedicated car parking spaces and a turning area provided within the appeal site boundary.
13. The roughly L-shaped car park is well surfaced and marked out with an existing wide turning head from which access would be taken, following demolition of a section of wall. A notice indicates that use of the car park is for permit holders only.
14. The proposed dwellings would have two bedrooms only and, in view of the sustainable location and size of the dwellings, in line with national policy objectives to support other transport alternatives to the private car, I consider that the proposed provision of one parking space for each dwelling would be adequate.
15. Furthermore, there is, in my opinion, adequate room for up to two vehicles to access the proposed parking spaces and emerge from them in forward gear without compromising the safety of car park users. Moreover, I consider the access to the existing car park to be satisfactory, even if it is to a busy road, and I find that the additional use of it by vehicles associated with the proposed development would not significantly increase highway safety risks.
16. In addition, I note the appellant's intention to close the existing site access which is of a poorer standard than the current car park access and is at a point on Dragon Lane where that road is busier and more congested. Even if the existing site access is currently little used, this does not mean that this would always be the case if the site were to be used again in connection with the previous use. Consequently there would, in my view, be a significant benefit to be gained in highway safety terms to permanent closure of that access in favour of the proposed alternative.
17. I note that Tesco has indicated an intention to grant a right of way across the car park to provide access to the development, subject to financial agreement. Provided that it is demonstrated to the satisfaction of the Council before development commences that a satisfactory scheme for access in perpetuity

during the life of the dwellings, in line with the current proposals, can be achieved, I consider that there would be no unacceptable risks to the safety of road users, users of the existing car park or to future occupiers of the proposed dwellings.

18. I accept that visitors and delivery vehicles might have to park in the car park or even on the road at times. However, this would not be sufficient, in my view, to withhold planning permission for the proposed development.
19. I have taken account of concerns that access by emergency vehicles would be difficult and that there might be problems with construction traffic accessing the site. ~~However, the site has in the past been used as a builders yard and there is room for suitably sized construction vehicles to access the site.~~ Moreover, the County Council Traffic Section has raised no objection to the proposal and I see no reason why emergency services would not be able to gain access through the car park.
20. I therefore conclude that, subject to confirmation to the Council's satisfaction, that the proposed access arrangements can be achieved, the proposed development would not significantly increase the risks to highway safety. I further conclude that there would be no serious conflict with LP Policies T1 and H10.

Other Matters

21. Concerns have been raised about the limited outlook and amenity space which future occupiers of the proposed dwellings would have. However, I find that although there would be limited space around the buildings adequate amenity space would be provided, given that these would be dwellings with only two fairly small bedrooms. Furthermore, a small landscaped area is shown to the front which would restrict views of the existing car park.
22. In addition, although the proposed development might be considered to be backland development, it would replace an existing use and would not, in my view, have an adverse impact on the character and appearance of the surrounding area. Moreover, by allowing this appeal there would be a further environmental benefit in tidying up the present overgrown site.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

24. I have considered the conditions suggested by the Council having regard to the advice in Circular 11/95. In addition to the normal commencement condition, a condition requiring the prior submission and approval of samples of the external materials to be used would be necessary in the interests of visual amenity. I also consider that a condition requiring prior agreement of the materials to be used for the hard landscaping, including any boundary treatment, would be required in order to achieve satisfactory visual integration of the development into its surroundings. The Council has also suggested a condition relating to drainage which would ensure the satisfactory disposal of foul and surface water from the proposed development.

25. As mentioned previously, I consider it essential in the interests of highway safety that a condition is imposed requiring the appellant to demonstrate to the written satisfaction of the local planning authority before development commences that a scheme for pedestrian and vehicular access across the adjacent car park can be achieved and maintained in perpetuity during the lifetime of the dwellings hereby approved.
26. In addition, as identified earlier, I consider it important in order to protect the living conditions of neighbouring residents that conditions removing permitted development rights for the insertion of windows in the flank elevations, the addition of extensions, addition of further dormer extensions other than those hereby permitted and the construction of ancillary buildings within the curtilage should be imposed. A condition would also be necessary to ensure that the proposed bathroom windows would be obscure-glazed, non-opening windows, unless as otherwise in writing by the local planning authority, in order to protect the privacy of nearby residents.

Formal Decision

27. I allow the appeal, and grant planning permission for the demolition of storage buildings and redevelopment of a builders yard to provide 2 No dwellings at Builders Yard, Rear Providence Place, Gilesgate Moor, Durham in accordance with the terms of the application, Ref 4/06/00777/FPA, dated 26 July 2006, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and types of hard landscaping and any boundary treatment to be erected. Development shall be carried out in accordance with the approved details.
 - 4) Before development commences details of the proposed arrangements for the disposal of foul and surface water shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) Before development commences it must be demonstrated to the written satisfaction of the local planning authority that a scheme for pedestrian and vehicular access across the adjacent car park can be achieved and maintained in perpetuity during the lifetime of the dwellings hereby approved. Development shall be carried out in accordance with the approved scheme.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the flank elevations of the dwellings hereby approved and

no dormer windows other than those on the south elevation expressly authorised by this permission shall be constructed.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or other ancillary buildings shall be erected.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the bathroom windows on the north elevation of the dwellings hereby permitted shall be obscure-glazed, non-opening windows, unless otherwise agreed in writing by the local planning authority.

J Chance

INSPECTOR

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 23 May 2007

WEEK NO.19/2007

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

Number and Applicant	Location	Proposal
07/00113/FPA Mr G Humberstone	8 Mayorswell Field Durham DH1 1JW	Erection of two storey pitched roof extension to rear of existing dwelling, demolition of remaining offshoot to rear and insertion of french doors to rear extension
*07/00339/FPA Mr And Mrs Hansen	West View The Bungalows Pity Me Durham DH1 5EB	Erection of single storey pitched roof extensions to side of existing bungalow and erection of detached double garage
*07/00342/FPA Mrs Bird	3 Park House Road Durham DH1 3QF	Erection of one and two storey pitched roof extension to side, and single storey pitched roof extension to rear, incorporating 3 no. dormer windows, of existing dwelling

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

Number and Applicant	Location	Proposal
06/00603/FPA M A Allan And Partners	Low Newton Farm Brasside Durham DH1 5SB	Change of use and conversion of redundant agricultural buildings to form 4 no. dwellinghouses
*07/00109/FPA Mr K Hodgson	Land At Rogerson Close Croxdale Durham	Erection of detached garage

*07/00201/FPA Mrs L Watt	Land Adjacent 17 East Street Hett Village Durham	Erection of dwellinghouse
07/00221/FPA Mr M Smith	The Paddocks Old Quarrington Durham DH6 5NW	Erection of two storey pitched roof extension and erection of single storey pitched roof extension to front of existing dwelling
*07/00222/FPA Adilah Properties Ltd	Witton Sunshack Front Street Witton Gilbert Durham DH7 6TQ	Erection of two semi-detached two storey pitched roof dwellings with integral garages
*07/00227/FPA Mr S Parnaby And Miss Mason	8 Almoners Barn Potters Bank Durham DH1 3TZ	Erection of one and two storey pitched roof extensions to sides of existing dwelling, including balcony to rear and insertion of dormer windows to front and rear existing roof slopes.
07/00238/AD Mr L Gregg	Broomside Park Belmont Durham DH1 1HP	Erection and display of 1 no. internally illuminated sign to north elevation of existing building
07/00243/FPA Mr P Bradley And Miss P Slack	Cherry Wappin Kelloe Law Farm Kelloe Durham TS29 6NS	Erection of single storey pitched roof range of buildings including 3 no. stables, oversize garage and additional storage building
*07/00277/FPA Kepier Homes LLP	Ustinov College/Kepier House Mayorswell Close Durham	Erection of temporary security fence (temporary consent for period of 2 years)
07/00278/FPA Mr J D Seymour	Farm Buildings Bogma Hall Farm Coxhoe Durham DH6 4EN	Change of use and conversion of existing farm buildings to provide 3 no. residential units for use as holiday lets and relocation of existing steel frame barn
07/00279/FPA A A And J D Mawston	30 Crossgate Durham DH1 4PS	Replacement of 4 no. windows, and replacement roof covering at existing

		dwelling
07/00281/FPA Mr And Mrs Cheesey	9 Front Street South Cassop Durham DH6 4RF	Erection of detached pitched roof double garage to rear, single storey pitched roof extension to rear, and insertion of 6 no. velux windows to main roof of existing dwelling
07/00283/FPA M Brown	27 Frederick Street North Meadowfield Durham DH7 8NB	Change of use of existing residential dwelling to beauty salon
07/00299/FPA Mr And Mrs Shovlin	22 Park House Gardens Sherburn Durham DH6 1DT	Demolition of existing conservatory and porch to rear of existing dwelling and erection of replacement single storey pitched roof extension and erection of porch to front elevation of existing dwelling
*07/00301/AD Sportswift T/A Card Factory	21 Market Place Durham DH1 3NJ	Erection and display of shopfront fascia advertisement
07/00313/FPA Mr A L Penna	16 Nickleby Chare Merryoaks Durham DH1 3QX	Erection of two and single storey pitched roof extensions to rear elevation of existing dwelling and erection of porch to front elevation
07/00320/FPA Ms J Fielding	4 High Street High Shincliffe Durham DH1 2PN	Erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00330/RTP Durham High School For Girls	Durham High School South Road Durham DH1 3TB	Use of existing temporary teaching block for a further period of 2 years
07/00338/FPA Mr J And Mrs A Chambers	2 Foresters Cottages Hamilton Row Waterhouses Durham DH7 9AX	Erection of single storey pitched roof extension to side of existing dwelling
07/00340/FPA Mr Defty	2 Viewforth Villas Nevilles Cross	Erection of single storey pitched roof extension to

	Durham DH1 4AF	rear of existing dwelling
07/00343/FPA Mr Maguire	80 Caterhouse Road Newton Hall Durham DH1 5HR	Erection of two storey pitched roof extension to rear, pitched roof over existing single storey extension to rear of existing dwelling
07/00344/FPA Mr Peverell	4 St Helens Crescent Quarrington Hill Durham DH6 4QY	Erection of single storey pitched roof extension to rear of existing dwelling
07/00354/FPA Mr And Mrs Gaskell	28 Lime Park Brandon Durham DH7 8QD	Erection of two storey pitched roof extension to side of existing dwelling
07/00357/FPA CBRE Investors	Land At Mercia Centre Pity Me Durrham DH1 5GF	Erection of paladin fencing and 4 gates
07/00365/FPA Mr And Mrs J Patterson	16 Doric Road New Brancepeth Durham DH7 7JE	Erection of two storey pitched roof extension to side and single storey pitched roof extension to front of existing dwelling

3. Prior notification not required for the application listed below.

Number and Applicant	Location	Proposal
07/00327/PN Nathaniel Lichfield And Partners	Land Adjacent East Coast Main Line Railway Bridge Over Finchale Road Brasside Durham	Prior approval for the erection of 15m telecommunications monopole, site cabinets and fence compound

* Determined under Chairman and Vice Chairman Delegated Authority

Applications recommended for refusal – reasons

4/07/00113/FPA

The proposal is considered overbearing and intrusive to the adjoining property overshadowing their primary windows to the rear to the detriment of their residential amenity contrary to Policy Q9 of the City of Durham Local Plan 2004.

4/07/00339/FPA

The proposed garage will appear both incongruous and prominent within the street scene being visible in either direction along the rear lane, therefore being out of scale and character with its surroundings, contrary to Policy Q9 of the City of Durham Local Plan 2004.

The position and siting of the proposed garage and necessary access and egress movements to and from the building would result in additional compromised vehicle movements which are considered detrimental to highway safety and therefore contrary to Policy T1 of the City of Durham Local Plan 2004.

4/07/00342/FPA

The proposal is considered harmful to the residential amenity of the adjoining occupier at no.2 Park House Road by virtue of being of a scale and massing to appear overbearing and overshadow the windows in their side elevation contrary to Policy Q9 of the City of Durham Local Plan 2004.

The proposed front elevation is not considered subordinate to the host dwelling in the context of the surrounding area contrary to Policy Q9 of the City of Durham Local Plan 2004.

The proposed rear elevation is of a design and scale that is unsympathetic to the character and appearance of the host dwelling and harmful to the character and appearance of the area contrary to Policy Q9 of the City of Durham Local Plan 2004.

APPENDIX B

City of Durham
Applications Determined Under Plenary Powers
Printed on 23 May 2007
Week No.19/2007

Applications recommended for conditional approval – conditions

4/06/00603/FPA

T1	Time Limit Full Approval 2004
DT7A	Complete Accord
DT4	External Materials
DT8	Enclosure Details to be Agreed
DT10	Hardstanding Surface Materials
DT11	Fenestration Details

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

No development shall take place unless in accordance with the mitigation detailed within the protected species report (Low Newton Farm Buildings, Brasside, Durham - Proposed Development - Bat & Barn Owl Report by Ruth Hadden, Summer 2006.) and the revised drawings numbered 05 Rev. no. C & 06 Rev. D by Christopher Padgett Architect. This mitigation shall include but is not restricted to obtaining a DEFRA licence; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft.

No development shall commence until a scheme for the protection of the trees to be retained to the north of the existing buildings has been agreed in writing with the Local Planning Authority, in accordance with BS59837:2005 (Trees in Relation to Construction). This scheme shall accord with the most recent plans and particulars and shall include:

- a) Indication of the Root Protection Area and necessary special protection works within this area;
- b) Protection works including details of means of enclosure/protection; and,
- c) Such scheme as agreed in writing with the LPA shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

4/07/00109/FPA

TL1	Time Limit Full Approval
DT4	External Materials
DT7A	Complete Accord
RU4	Use as Private Garage Only

4/07/00201/FPA

T1 Time Limit Full Approval 2004
DT5 Materials Sample
DT8 Enclosure Details to be Agreed
DT10 Hardstanding Surface Materials
DT23 Drainage Scheme
DT27 Levels and or Retaining Structures
DT11 Fenestration Details
DT35A Slates
DT34A Timber Windows
DT19 Obscure Glazing

4/07/00221/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials

4/07/00222/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
DT8 Enclosure Details to be Agreed
DT10 Hardstanding Surface Materials
DT23 Drainage Scheme

The Development shall not be occupied until the pavement to the front of the site has been reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

4/07/00227/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials

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 north and east elevation of the two-storey side extension hereby approved without an application for planning permission having first been submitted to and approved in writing by the Local Planning Authority

Notwithstanding the provision of Article 3 and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq no garages shall be erected on site without an application for planning permission having been made to and approved in writing by the Local Planning Authority.

4/07/00238/AD

TL3 Advert Approvals

4/07/00243/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials

The stabling hereby approved shall be used only by the occupiers of the property on the application site and for personal use only.

The garage and storage building hereby approved shall be used for personal/private non commercial and non residential use in association with the private use of the dwellinghouse by its occupants.

4/07/00277/FPA

This permission is given for a limited period of two years from the date hereof expiring on 24 May 2009 when the fencing shall be removed from the site in its entirety and any damage to the land as a result of the fence and its removal, repaired to its condition prior to the erection of the fence or in accordance with any landscaping scheme approved by a subsequent application relating to the redevelopment of the site.

For reasons of clarity the fencing shall be painted green BS14C39 before or within one week of it being erected on site. The colour shall be maintained for the duration of the consent to the satisfaction of the Local Planning Authority.

4/07/00278/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord
DT4 External Materials
DT8 Enclosure Details to be Agreed
DT10 Hardstanding Surface Materials
DT11 Fenestration Details
DT12 Windows in Reveal
DT16 Dry Pointed Verges
DT23 Drainage Scheme
DT28 Flues Vents and Extracts
LA2 Landscaping Scheme Full Reserved Matter

No development shall commence until scale drawings have been submitted to and agreed in writing by the Local Planning Authority, which detail the extent of demolition and rebuilding works. Development shall be carried out in thereafter in accordance with the agreed details.

No development shall take place unless in accordance with the mitigation detailed at section E of the protected species report entitled 'Bat and Barn Owl Survey of Agricultural Buildings, Bogma Hall Farm, Coxhoe, Durham 7th January', by Noel Jackson including, but not restricted to adherence to timing and spatial restrictions and provision of mitigation adherence to precautionary working methods.

The approved holiday lets shall not be occupied by any one single person or by the same group of people for more than 12 weeks in any one calendar year.

4/07/00279/FPA

TL1 Time Limit Full Approval
DT4 External Materials

That notwithstanding the information shown on the submitted plans precise details of the fenestration of window no. 1 as indicated on the elevation plan submitted 30th March 2007, 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.

4/07/00281/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
HW10 Garage Door No Projection

4/07/00283/FPA

T1 Time Limit Full Approval 2004

The opening hours unless hereby approved in writing by the Local Planning Authority shall remain as submitted on the application form with the application hereby approved.

4/07/00299/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00301/AD

T1 Time Limit Full Approval 2004

Notwithstanding the information given in the accompanying plans and forms, no element of illumination shall be built into or erected around the signage approved through this application.

Notwithstanding the information given in the accompanying plans and forms, the signage to the fascia will be signwritten and painted by hand.

4/07/00313/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00320/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00330/RTP

TL4 Temporary Approvals Buildings and Works

4/07/00338/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00340/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00343/FPA

TL1 Time Limit Full Approval
DT3 Finish of Materials
DT7A Complete Accord

4/07/00344/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00354/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00357/FPA

T1 Time Limit Full Approval 2004

4/07/00365/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 1 June 2007

WEEK NO.20/2007

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

Number and Applicant	Location	Proposal
*07/00289/AD London And Cambridge Properties	South East Corner Of Dragonville Retail Park Adjacent Front Street Durham	Erection of totem signage frame, 6m in height
07/00295/FPA P And N Bowman	3 Richmond Road Newton Hall Durham DH1 5NT	Erection of two storey pitched roof extension to front elevation of existing dwellinghouse

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

Number and Applicant	Location	Proposal
07/00018/FPA Mr And Miss Morgan	8 Bainbridge Street Carrville Durham DH1 1NA	Subdivision of existing dwelling into 2 no. dwellings
07/00136/FPA Mr A Baxter	102 Devonshire Road Belmont Durham DH1 2BH	Erection of two storey pitched roof extension to side/rear of existing dwelling and single storey extension to front.
07/00217/OUT Mrs P Golding	Land To South West Of Wellfield Station Avenue Esh Winning Durham DH7 9HW	Outline application for erection of detached bungalow (Resubmission)
07/00223/FPA C Thompson And K Jackson	28 Lambton Field Sherburn Durham DH6 1NX	Erection of detached garage to rear of property

07/00264/TPO Mr A Ward	57 Gilesgate Durham DH1 1HY	Crown reduction of 20% of Sycamore tree
07/00274/FPA Mr And Mrs Horridge	Jubilee House 9 Sidegate Durham DH1 5SY	Extension, alteration and rebuilding to link the existing house and cottage to form one dwelling
07/00286/LB Dr P Wood	The Meadows Cottage Sunderland Bridge Durham DH6 5HD	Replacement of windows to rear elevation
07/00323/FPA Ms C Solan And Mr D McLean	28 Crossgate Durham DH1 4PS	Erection of two storey flat roof extension to rear elevation of existing dwelling
07/00331/FPA Mr D Linton	61 Front Street Pity Me Durham DH1 5DE	Change of use of existing dwelling to physiotherapy clinic (Class D1) including insertion of door to front elevation
*07/00332/FPA Mr J Parker	Land To Rear Of John Street North Meadowfield Durham	Erection of dormer bungalow
07/00333/FPA Mrs N Shillock	23 Lumley Road Newton Hall Durham DH1 5NR	Demolition of existing extension to side and erection of single storey pitched roof extension to side/rear of existing dwelling
07/00341/FPA Mr Robinson	11 Alnwick Road Newton Hall Durham DH1 5NL	Erection of two storey pitched roof extension to side, with pitched roof atop existing front porch/garage projection, of dwellinghouse
07/00345/FPA Mr And Mrs A Russell	13 Surtees Drive Durham DH1 4AR	Erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00348/LB Durham University	Kingsgate House Bow Lane Durham DH1 3ER	Removal of existing air brick to side elevation in connection with proposed flue terminal with cowl basket

07/00353/CAC Mr And Mrs Horridge	Jubilee House 9 Sidegate Durham DH1 5SY	Extension, alteration and rebuilding to link the existing house and cottage to form one dwelling
07/00356/FPA New Collage Durham	New College Durham Framwellgate Moor Durham DH1 5ES	Application to retain existing flat roofed nursery/creche buildings within New College Campus
07/00363/FPA Dr J T D And Mrs I L Hall	8 Springfield Park Durham DH1 4LS	Erection of single storey pitched roof extension to side of existing dwelling
07/00364/FPA Mr Wilson	26 Leyland Close Bowburn Durham DH6 5DD	Erection of conservatory to rear elevation of existing dwelling
07/00366/TPO Mr And Mrs Bradley	Old Road End The Village Brancepeth Durham DH7 8DG	Fell 8 no. trees, crown lift 4 no. trees, limbing of 2 no. trees and removal of deadwood of 2 no. trees
07/00369/FPA Mr P Oldroyd	53 Rosemount Pity Me Durham DH1 5GA	Erection of bay window to front and single storey pitched roof extension across rear elevation of existing dwelling
07/00389/FPA Mr D Patterson And L Hird	8 Whitehouse Lane Ushaw Moor Durham DH7 7PG	Erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00397/FPA G And P Hutchinson	37 Millford Way Bowburn Durham DH6 5DE	Erection of two storey pitched roof extension to side, and pitched roof atop existing porch garage projection to front of existing dwelling
07/00409/FPA Mr D Raper	18 East Street Hett Durham DH6 5LP	Erection of second storey pitched roof extension including partial porch roof over existing flat roof extension at rear of existing dwelling

07/00413/FPA
Mr N Sharpe

7 Lowes Court
The Downs
Durham
DH1 4NR

Erection of single storey
pitched roof extension to
rear of existing dwelling

07/00417/FPA
Mr T McGiven

15 Renny Street
Durham
DH1 1JN

Erection of two storey
pitched roof extension to
rear, insertion of velux
windows to front and rear of
main existing roof, and
alterations to existing
windows on front, side and
rear, at existing house in
multiple occupation

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

Number and Applicant	Location	Proposal
07/00468/CM Framwellgate School	Framwellgate School Finchale Road Framwellgate Moor Durham DH1 5BQ	Erection of canopy within school campus

* Determined under Chairman and Vice Chairman Delegated Authority

APPENDIX A

**City of Durham
Applications Determined Under Plenary Powers
Printed on 1 June 2007
Week No.20/2007**

Applications recommended for refusal – reasons

4/07/00289/AD

The proposed totem signage by virtue of its design, size, scale and location is considered to detract from the appearance of the immediate environment, causing a detrimental visual impact. The proposal is therefore considered contrary to Policy Q16 of the City of Durham Local Plan 2004.

4/07/00295/FPA

The proposed two storey front extension by virtue of its size and scale is considered to be unsympathetic to the main dwelling and as a result considered contrary to Policy Q9 of the City of Durham Local Plan 2004.

APPENDIX B

City of Durham
Applications Determined Under Plenary Powers
Printed on 1 June 2007
Week No.20/2007

Applications recommended for conditional approval – conditions

4/07/00018/FPA

TL1 Time Limit Full Approval
DT7A Complete Accord

4/07/00136/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord

4/07/00217/OUT

T2 Time Limit Outline Approval 2004
DT1 Outline Permission All Details Reserved

4/07/00223/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord

4/07/00264/TPO

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

4/07/00274/FPA

T1	Time Limit Full Approval 2004
DT4	External Materials
DT11	Fenestration Details
DT12	Windows in Reveal
DT10	Hardstanding Surface Materials
DT16	Dry Pointed Verges
DT28	Flues Vents and Extracts

Within 24 months of the date of commencement of demolition works, as approved under application 4/07/353/CAC, development of the site as hereby approved must begin. Both the dates of commencement of demolition, and construction must be notified in writing to the Local Planning Authority before any such works commence.

No development shall take place unless in accordance with the mitigation detailed within the protected species report entitled A Bat Survey Of 9 Sidegate, Durham (R03) - E3 Ecology Ltd - November 2006, including, but not restricted to adherence to timing restrictions; provision of mitigation in advance; adherence to precautionary working methods and provision of 4 bat bricks into the new extension between the 2 buildings.

4/07/00286/LB

T1	Time Limit Full Approval 2004
DT11	Fenestration Details
DT12	Windows in Reveal
DT13	Sash Windows
DT29	Fenestration Joinery Details
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.

4/07/00323/FPA

TL1	Time Limit Full Approval
DT4	External Materials
DT11	Fenestration Details
DT7A	Complete Accord

4/07/00331/FPA

TL1 Time Limit Full Approval
DT7A Complete Accord
DT10 Hardstanding Surface Materials
RU6 Restriction of Use Class
DT8 Enclosure Details to be Agreed
HW16 Construction of Parking

The use of the property as a physiotherapy clinic shall be open to the public between Monday to Wednesday 9.30am to 6.30pm, Thursday 9.30am to 7.00pm, Friday 9.30am to 2.30 pm and Saturday 9.30am to 1.30pm and at no other times.

4/07/00332/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT8 Enclosure Details to be Agreed
DT10 Hardstanding Surface Materials
DT23 Drainage Scheme
DT27 Levels and or Retaining Structures
DT11 Fenestration Details
DT7A Complete Accord

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

4/07/00333/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00341/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord

4/07/00345/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00348/LB

T1 Time Limit Full Approval 2004
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 precise details of the proposed

'cowl basket' including design, scale and appearance shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before development is commenced, and thereafter implemented in accordance with the approved scheme.

4/07/00353/CAC

T1 Time Limit Full Approval 2004

Within 24 months of the date of commencement of demolition works, development of the site as approved under application 4/07/274 must begin. Both the dates of commencement of demolition, and construction must be notified in writing to the Local Planning Authority before any such works commence.

4/07/00363/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00364/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00366/TPO

TL8 Time Limit Full Approval 2 yrs
LA7 Tree Surgery

4/07/00369/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00389/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00397/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord

4/07/00409/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
DT11 Fenestration Details
DT12 Windows in Reveal
DT16 Dry Pointed Verges

4/07/00413/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

4/07/00417/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord
DT4 External Materials
DT34A Timber Windows
DT11 Fenestration Details
DT12 Windows in Reveal
DT19 Obscure Glazing

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 7 June 2007

WEEK NO.21/2007

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

Number and Applicant	Location	Proposal
*07/00183/FPA P Bassett And E Wooley	93 - 94 High Street Carrville Durham DH1 1BG	Change of use of existing shop to motorcycle sales, service and retail accessories, to include installation of roller shutter to front elevation

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

Number and Applicant	Location	Proposal
*07/00209/FPA Mrs Hutchinson	Somersby Back Western Hill Durham DH1 4RG	Erection of dormer window, first floor balcony, erection of retaining wall to rear in connection with extended vehicular hardstanding and widened access
07/00298/FPA The Church Of Christ The King	Church Of Christ The King Prince Charles Avenue Bowburn Durham DH6 5DL	Demolition of existing church and erection of replacement church/community centre
07/00347/FPA Mrs M Oliver	41 Rowan Drive Brasside Durham DH1 5YE	Erection of two storey pitched roof extension to side/rear of existing dwelling and erection of single storey pitched roof extension to rear
07/00361/LB Mr G French And J Hurdman	23 Elvet Bridge Durham DH1 3AA	Erection of partition walls on first and second floors, physical alterations to fabric of building to allow for plumbing to serve sinks and shower, and erection of fascia sign

07/00372/FPA S Harris And S Cossar	Police Station John Street South Meadowfield Durham DH7 8RP	Change of use to form 1 no. dwellinghouse
07/00376/LB The University Of Durham	Cosins Hall Palace Green Durham DH1 3RL	Erection of timber mounted brass sign to front elevation of existing building
*07/00392/AD CWS Retail Financial Services	Co Operative Retail Services Ltd Newhouse Road Esh Winning Durham DH7 9JX	Erection and display of 2 no. illuminated fascia signs to front and side elevations and non-illuminated wall mounted sign to entrance
07/00396/FPA Mr S Robinson	32 Featherstone Road Newton Hall Durham DH1 5YW	Erection of two storey pitched roof extension to side and replacement single storey pitched roof extension to rear of existing dwelling and pitched roof canopy to the front

* Determined under Chairman and Vice Chairman Delegated Authority

APPENDIX A

**City of Durham
Applications Determined Under Plenary Powers
Printed on 7 June 2007
Week No.21/2007**

Applications recommended for refusal – reasons

4/07/00183/FPA

The Local Planning Authority considers that the proposed use of the premises for the sale and repair of motorcycles would lead to a level of noise and disturbance from both vehicular movements to and from the premises and from within it, which would be detrimental to the level of residential amenity that surrounding occupiers should reasonably expect to enjoy, contrary to the aims of Policies H13, EMP10, T1, S7 and S11 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that the proposed externally mounted projecting security shutter would be detrimental to the appearance of the existing building and to the character and appearance of this predominantly residential area which surrounds the premises, thereby conflicting with the criteria set out at Policy Q14 of the City of Durham Local Plan 2004.

APPENDIX B

City of Durham
Applications Determined Under Plenary Powers
Printed on 7 June 2007
Week No.21/2007

Applications recommended for conditional approval – conditions

4/07/00209/FPA

TL1 Time Limit Full Approval
DT4 External Materials

4/07/00298/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials
DT10 Hardstanding Surface Materials
DT8 Enclosure Details to be Agreed
DT23 Drainage Scheme

4/07/00347/FPA

TL1 Time Limit Full Approval
DT4 External Materials
DT7A Complete Accord
DT19 Obscure Glazing

4/07/00361/LB

T1 Time Limit Full Approval 2004

4/07/00372/FPA

T1 Time Limit Full Approval 2004
DT8 Enclosure Details to be Agreed
LA2 Landscaping Scheme Full Reserved Matter

4/07/00376/LB

T1 Time Limit Full Approval 2004
R7 Complete Accord

Notwithstanding the information shown on the submitted plans, full details of the proposed methods of fixing the signage to the existing wall shall be made available to and approved in writing by the Local Planning Authority before development commences.

4/07/00392/AD

TL3 Advert Approvals

4/07/00396/FPA

TL1 Time Limit Full Approval

DT4 External Materials

DT7A Complete Accord

List of Approvals

From 18/05/2007 to 06/06/2007

Number and Applicant	Location	Proposal
07/00339/OTHC The Co-Operative Group	Co Operative Stores Auton Stile Bearpark Durham DH7 7AA	New Automatic Entrance And Associated Works
07/00369/OTHC The Co-Operative Group	Co Operative Stores Front Street Sherburn Durham DH6 1HE	Installation Of Automatic Doors & Internal Alterations
07/00395/PARTNR Sunnydale Community	Sunnydale Community College Middridge Lane Shildon County Durham DL24 2EP	Demolition of internal area to make space for cafe and new kitchen facilities.
07/00401/DEX Mr & Mrs Spaventa	10 Alston Way Meadowfield Durham DH7 8XF	Ground Floor Rear Extension
07/00402/OTHDOM Mr E Clark	68A Gilesgate Durham DH1 1HY	Single storey rear extension & loft conversion
07/00406/DEX Mr & Mrs Harley	1 Shincliffe Lane Sherburn House Durham	Two Storey Extension &
07/00407/DEX Mr Burnip	23A Bridgemere Drive Framwellgate Moor Durham DH1 5FG	Extension to provide garage with dining room and bedroom with bathroom
07/00408/DEX Mr Reed	Charis The Village Brancepeth Durham DH7 8DE	2 Storey Extension
07/00410/DEX Mr G Cook	Shincliffe Grange Ancroft Garth High Shincliffe Durham DH1	Demolition of existing extension, Rebuild & Internal alterations
07/00416/PARTNR Mr Mears	12 Powburn Close Chester-Le-Street County Durham DH2	Convert garage into study & W.C kitchen extension

Number and Applicant	Location	Proposal
07/00435/DRO Mr & Mrs Ransom	15 Dryburn Hill Durham City DH1 5AE	Extension & Loft Conversion
07/00454/PARTNR Mr D Glendenning	Mr D Glendenning 2 Westcliffe Road Sunderland Tyne & Wear SR6 9NW	Sun Room
07/00457/DEX Mr Bell	15 Grey Gables Brandon Durham DH7 8QW	Store & Bedroom Extension to side of property
07/00467/RESUB Mr & Mrs Ridley	Land Adjacent To 2 St Brandons Grove Brandon Durham DH7 8AG	Detached Bungalow
07/00685/DEX Mr C Faulkner	20 Douglas Gardens Merryoaks Durham DH1 3PT	Two storey extension to side
07/00687/DEX Mr Rudd	5 Dunholme Close Aykley Heads Durham	Sun Room
07/00689/DEX Mr J Holmes	12 West Farm Court Broompark Durham DH7 7RN	Single Storey Extension
07/00695/DEX Mr M Halton	72 Pilgrims Way Gilesgate Durham DH1	Extend garage and enlarge porch, with pitched roof (front) Extend kitchen, dining and utility room with pitched roof (rear)
07/00703/PARTNR Mr D Ellison	4 Crossways Sacriston County Durham DH7 6LH	Study
07/00711/DEX Mr & Mrs Johnson	Holly Cottage Low Road Shincliffe Durham DH1 2NA	Extension To Form Utility Room & Replacement

Number and Applicant	Location	Proposal
07/00717/PARTNR Mr S Shaw	47 The Wynd Pelton Chester-Le-Street County Durham DH2	Sun Room
07/00718/DEX Mr Wayne Harle	10 Brookes Rise Langley Moor Durham DH7	Single Storey Extension
07/00722/DEX Mr Erdman	6 Aykley Green Durham City DH1 4LN	Sun Room & Garage
07/00723/DEX Mr Littlewood	16 Dinsdale Drive Belmont Durham DH1 2TS	Kitchen Extension
07/00726/DEX Mr Twomey	204 Devonshire Road Belmont Durham DH1 2BN	Garage Extension
07/00729/DEX Mr Theakston	6 Suffolk Way Pity Me Durham DH1 5GN	Sun Room
07/00730/DEX Hope Estates	6 Mitchell Street Durham City DH1 4DQ	Extension & Alterations
07/00731/DEX Hope Estates	13 Boyd Street Durham City DH1 3DP	Dining Room Extension
07/00733/PARTNR Mr Mitford	17B Harrogate Village Darlington County Durham DL1 3AA	Bedroom Extension
07/00735/DEX Mr & Mrs Searle	26 Fallsway Carrville Durham DH1 1AZ	Bedroom & En-Suite Extension
07/00736/DEX John Russel & Gillian	3 Brecon Road Newton Hall Durham DH1 5XB	Single storey kitchen/lounge extension to rear property
07/00737/DEX MDP Developments	23 Dryburn Road Framwellgate Moor Durham DH1 5AJ	Garage, Dining, Kitchen, Bedroom Extension & Alterations

Number and Applicant	Location	Proposal
07/00738/DEX MDP Developments Ltd	22 Dryburn Road Framwellgate Moor Durham DH1 5AJ	Garage,Dining, Kitchen, Bedroom, Extension & Alterations
07/00742/DEX Mr Cook	4 Nuns Row Gilesgate Durham DH1 1HG	Study, utility, w.C, bedroom & sunroom extension
07/00743/DEX Mr Crozier	25 Rowan Tree Avenue Gilesgate Moor Durham DH1 1DX	Kitchen, W.C, Extension
07/00744/DEX Mr Cunningham	Grove Farm Leemans Lane Hett Durham DH6 5LW	Study, Bedroom, Utility, W.C, & Shower Room with internal alterations
07/00749/OTHDOM Alan Nixon	Ashtree Farm Browney Lane Browney Durham DH7 8HP	Barn Conversion to Dwelling and Sun Lounge
07/00753/DEX G&M Newlife Properties	37 Hartside View Pity Me Durham DH1 5DX	2 Storey extension & internal alterations

List of Refusals

From 18/05/2007 to 06/06/2007

Number and Applicant	Location	Proposal	Decision
07/00360/DEX Mrs Devoy	16 Lea Rigg West Rainton Durham DH4	Bedroom & Family Room Extension	REJ16

Building Notices

Between 18/05/2007 and 06/06/2007

Number of cavity wall insulation applications 2

Number and Applicant	Location	Proposal
07/00709/OTHDBN Mark Collett	7 Durham Road Aykley Heads Durham DH1 5AL	Refurbishment
07/00741/GLAZBN Mr J R Page	25 Halliday Grove Langley Moor Durham DH7 8LT	New Windows & Doors
07/00745/GLAZBN Mrs B Brown	White House Farm Pit House Lane West Rainton Durham DH4	Install new lintol for door installation in side of bungalow. New lintol for kitchen window
07/00755/GLAZBN Mrs Kelly	44 Moor Crescent Gilesgate Moor Durham DH1 1PB	UPVC Windows
07/00756/OTHDBN Michael Stevens	4 Johnson Terrace Croxdale Durham DH6 5HG	Extend bathroom, remove wall, extend window and brick door
07/00757/DOMBN Mrs Allison Morgan	9 10 11 The Cathedrals Court Lane Durham DH1 3JS	Conversion of 3 No apartments into 1
07/00758/OTHDBN James Michael	39 The Moorlands Gilesgate Durham DH1 2LB	Removal of section of living/dining room wall. Installation of lintol.
07/00767/ELECBN David Holden	28 Green Crescent Coxhoe Durham DH6 4BE	Shower circuit to bathroom
07/00769/OTHDBN Mr & Mrs Pearson	8 Lowland Road Brandon Durham DH7 8NN	Pitched Roof Over Flat Roof
07/00770/OTHDBN Mr J Wallace	22 Allergate Durham DH1 4ET	Stone Pillar Supports to kitchen

Number and Applicant	Location	Proposal
07/00771/OTHDBN Mr A Strachan	18 Railway Close Sherburn Durham DH6 1RN	Garage Conversion
07/00781/OTHDBN Mrs Edwards	11 St Aidans Crescent Crossgate Moor Durham DH1 4AP	Convert Garage Into Utility
07/00789/ELECBN Mr J Middleton	1 Park House Gardens Sherburn Durham DH6 1DL	Replace Consumer Unit
07/00790/OTHDBN Mr & Mrs Owen	4 Valley View Croxdale Durham DH6 5HU	Shower room ground floor bedroom

List of Regularisations

From 18/05/2007 to 06/06/2007

Number and Applicant	Location	Proposal
07/00754/GLAZRG Dennis Stafford	33 Station Road Ushaw Moor Durham DH7 7PY	Replacement Windows & Doors
07/00759/OTHDRG Peter Thompson	20 Hadleigh Court Coxhoe Durham DH6	Conversion Of Garage Into Dining Area