

**CITY OF DURHAM**  
**DEVELOPMENT CONTROL COMMITTEE**

**30th August 2007**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**1. Reports for Information**

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

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

- a) Appeals by Harrison Properties Limited  
Site at Costspex Opticians, Unit 41 Dragonville Industrial Park, Durham
- b) Appeals by Mr W Fitzsimmons  
Site at Smallholding, Pithouse Lane, Leamside, Durham
- c) Appeal by Mr P McGowan  
Site at 9 Mount Joy Crescent, Durham, DH1 3BA
- d) Appeal by Mr G Marshall  
Site at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA
- e) Appeal by Kingswood Properties Limited  
Site at land adjacent 224 Finchale Road, Newton Hall, Durham, DH1 5QP
- f) Appeal by Mr J Watson  
Site at land east of Avenue House, High Shincliffe, Durham, DH1 2PY

**1.2 Planning Applications - Determined under Plenary Powers**

**1.3 Building Control Applications – Determined under Plenary Powers**

**2. Decisions made by the County Council**

---

<b>App No:</b>	CM4/07/508
<b>Applicant:</b>	Bearpark Primary School
<b>Location:</b>	Bearpark Primary School, Colliery Road, Bearpark, Durham, DH7 7AU
<b>Proposal:</b>	Erection of 2.4 metre high palisade fence to front elevation of existing building

---

The above application was considered by the City Council under delegated powers on 14 June 2007 when it was resolved to raise objection on the grounds that the proposed palisade fence was considered detrimental to the visual amenities of the area, due to its size, position and detailed design contrary to Policy Q1 of the City of Durham Local Plan 2004. In addition the proposals were considered to detract from the outlook from the main school building by reason of their height and location.

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

**RECOMMENDATION** : That the report be noted.

## 2. Recommendation on other Applications

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

Number & Applicant	Location	Proposal	Recommendation
<b>ITEM 1</b>			
07/00419/FPA Durham Villages Regeneration	Land between 48 & 70 Carr House Drive, Newton Hall, Durham	Demolition of existing Community Centre & erection of 35 no. 3 & 4 bedroomed dwellings with associated roadways, footpaths, open space & landscaping (Revised & Resubmitted)	<b>Approve</b>
<b>ITEM 2</b>			
07/00421/FPA Durham Villages Regeneration	Land at Commercial Street & St Agatha's Close, Brandon, Durham	Residential development comprising forty-two 2, 3 & 4 bedroom houses, associated garages, roads & engineering works	<b>Minded to Approve</b>
<b>ITEM 3</b>			
07/00451/FPA Hanro Limited	Former Sports Ground, SE of Durham City Football Ground, Belmont Industrial Estate, Belmont	Office Development to include electricity substation, associated retail unit, car parking & landscaping	<b>Approve</b>
<b>ITEM 4</b>			
07/00465/FPA Mr A Jackson	Melrose, Bells Folly, Durham, DH1 3RR	Erection of full width two storey extension to front, with raised main roof facilitating additional storey of accommodation within roof space, with 2 no. dormer windows	<b>Approve</b>
<b>ITEM 5</b>			
07/0505/FPA & 07/0503/CAC 3R Property Development	Former Elliots of Durham, Ainsley Street, Durham, DH1 4BJ	Demolition of existing garage buildings & erection of six bedroom dwelling-house for people with learning disabilities (Class C3)  Retrospective Conservation Area Consent application for demolition of garage/storage buildings	<b>Approve</b>
<b>ITEM 6</b>			
07/00558/RM George Wimpey North East Limited	Dryburn Park House Dryburn Road Framwellgate Moor Durham	Reserved matters approval for the erection of 42 no. dwellings (12 apartments, 30 houses) vehicular & pedestrian access, landscaping & temporary sales board	<b>Approve</b>
<b>ITEM 7</b>			
07/00590/FPA Mr K Whitfield	Land adjacent to Whitfield Court, St John's Road, Meadowfield, Durham	Erection of 6 office units with associated highways, parking & landscaping	<b>Approve</b>

<p><b>07/00419/FPA</b></p> <p><b>Durham Villages Regeneration</b></p>	<p><b>Land between 48 &amp; 70, Carr House Drive, Newton Hall, Durham</b></p> <p><b>Demolition of existing Community Centre, &amp; erection of 35 no. 3 &amp; 4 bedroomed dwellings, with associated roadways, footpaths, open space &amp; landscaping (revised and resubmitted)</b></p>
---	--

## **SITE AND APPLICATION DESCRIPTION**

The application site is located at the edge of Newton Hall in a prominent location of mixed uses. Surrounded on three sides by residential development, the site is near Alnwick Road shops, a library, public house, schools and a day nursery. The front of the Site is occupied by the former Community Centre, a building of some age that has been subject to a succession of poor quality and unfortunate extensions and alterations that have seriously compromised its character, and a number of mature trees. The centre of the site includes a poorly surfaced car park, and tennis courts that, again due to the poor surface have latterly been used as a more general informal recreation area, with a basket-ball hoop installed. The rear of the site is well used as a bowling green, with screen fencing and planting.

The development proposes the loss of the Community Centre, and the sports facilities and car park, and erection of 35 no. family dwellings of 3 and 4 bedrooms. The developer's standard house types have been redesigned to present elevations more appropriate to a traditional Durham vernacular. Orientated to give a strong and characterful frontage facing Carr House Drive, areas of open space are retained along with the principal trees to give a matured setting. The application is a resubmission addressing concerns raised by the County Highway Authority, and incorporating some minor layout changes where alteration would address some local residents concerns.

## **RELEVANT HISTORY**

As noted in the introduction, the application is a resubmission of a very similar scheme, withdrawn earlier this year following highways related concerns.

## **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, sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities and land supply.

Planning Policy Guidance Note 13: Transport, seeks to promote more sustainable transport choices, and reduce the need to travel, especially by car.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, seeks to ensure effective planning for open-space, sport and recreation, appropriate to the needs of local communities.

## Regional Policy

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

## Local Plan Policies

The following are the policies considered most appropriate from the City of Durham Local Plan, 2004. This document is the definitive tool in consideration of the application, and the decision must be based on its contents.

Policy C9 of the Local Plan (2004) states that Planning Permission for the development of a proposal which would result in the loss of an existing community facility will not be granted unless it can be demonstrated that the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby. Particular regard will also be given to the retention of the community facilities in the villages identified in Policy H3 of the Plan, one of which is Brandon.

Policy H2 of the City of Durham Local Plan (2004) states that new housing on sites comprising windfall development of previously developed land and conversions will be permitted within the settlement boundary of Durham City provided that the proposal does not contravene

Policy E21 of the City of Durham Local Plan (2004) states that the Council will preserve and enhance the historic environment by requiring development proposals to minimise adverse impacts on significant features of historic interests within or adjacent to the site; and encouraging the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

Policy H12 of the City of Durham Local Plan (2004) states that on sites of 25 or more dwellings or 1 hectare or more in size, and where a local need exists, the Council will negotiate with developers for a fair and reasonable proportion of affordable housing, and for an appropriate variety of house types and sizes.

Policy Q1 and Q2 of the City of Durham Local Plan (2004) relate to the layout and design of new development indicating that new developments should take into account the requirements of users and embody the principle of sustainability.

Policy Q8 of the City of Durham Local Plan (2004) states that the layout of new residential development will be required to have a clearly defined road hierarchy; provide adequate amenity and privacy for each dwelling and minimise the impact of the proposal upon occupants of existing nearby and adjacent properties; provide adequate areas of safe, accessible and attractive open space in accordance with policy R2; take into account the need to retain existing features of interest; be appropriate in scale, form, density and materials to the character of its surroundings; and make the most efficient use of the land.

Policy Q15 of the City of Durham Local Plan (2004) states that the Council will encourage the provision of artistic elements in the design and layout of development. Due regard will be made in determining planning applications to the contribution they make to the appearance of the proposal and the amenities of the area.

Policy R2 of the City of Durham Local Plan (2004) states that in new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with: Informal play space 0.4ha per 1000 population – Amenity

space 0.8 ha per 1000 population. Where appropriate a planning agreement will be entered into to.

Policy R3 of the City of Durham Local Plan (2004) states that development which would result in the loss of an area of open space currently used for recreation and leisure pursuits will not be permitted unless (amongst other matters) an alternative area of at least equivalent community benefit/value will be provided locally; or its loss will not prejudice the overall standard of open space for outdoor recreation within the immediate area.

Policy T1 of the City of Durham Local Plan (2004) states that the Council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

Policy T10 of the City of Durham Local Plan (2004) states that vehicle parking off the public highway in redevelopment should be limited in amount, so as to promote sustainable transport choices and reduce land-take of development.

The full text of the above policies can be viewed in the City of Durham Local Plan, 2004, available on-line at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).

## **REPRESENTATIONS**

**STATUTORY RESPONSES** : The County Highway Authority raise no objection to the proposals, confirming the improvements made from the originally submitted scheme, but requesting a condition that development works do not commence until details of the site access are formally agreed.

Northumbrian Water and the Environment Agency raise no objection to the proposals.

The County Archaeologist raises no objection to the application.

Durham Bat Group and Natural England consider the submitted Bat Survey and mitigation strategy inadequate. Their comments have been passed to the applicant to give the chance of addressing them before Members decision at Committee.

**INTERNAL RESPONSES** : None.

**PUBLIC RESPONSES** : The planning consultation exercise consisted of 139 direct mail consultation letters sent to surrounding addresses, site notices, and advertisements in the local press.

Objections have been received from four local residents, the City of Durham Trust, and on behalf of the Governors of St. Godric's Primary School.

Residents are concerned at the loss of trees, hedges, and recreational facilities. Loss of privacy from the new houses location is raised. A claim that the Community Centre is listed, and worthy of protection is offered – a view supported by the City of Durham Trust. The buildings are considered of inappropriate architecture, and the type of houses proposed not suitable for the area.

The school governor objects to the loss of parking behind the Community Centre, with an increase in traffic, used by parents, and the loss of open-space and play space opportunity.

Some correspondents consider the applicant's supporting statement misleading.

## PLANNING CONSIDERATIONS

This application proposes an extension to the existing residential dwellings of the now matured Newton Hall estate. A form of traditionally referenced architecture, appropriate to a Durham setting, but not replicating the 1960s/1970s style of the existing estate is proposed. The site and its frontage are large and prominent enough to justify a degree of its own character, and the traditional detailing proposed will give a hint of the existing Community Centre, proposed demolished. This building is not listed, and is not of a quality of historical association that could justify listing, with no other form of formal protection available. In a poor state of repair, with poor and inappropriate extensions, alterations, and finishes the buildings condition and layout do not lend it to reuse.

The site is identified as a preferred housing site in the emerging Local Development Framework (Planning for Housing Development Plan Document). The Sustainability Appraisal of this site has not highlighted any specific concerns about the site.

The application proposes erection of 35 family dwellings. The proposals do not include the provision of 'affordable housing' as defined in PPS3, however the scheme seeks to provide low cost market housing which itself provides a regeneration benefit to the community and from the quantifiable benefits it is proposed that monies the City Council accrue from the development of the scheme are directed back to the village and community benefits, so in addition to those areas provided within the site, improvements to other existing local facilities can benefit. Local communities, through their elected members play a prime role in ensuring this is directed to most benefit the individual villages. Given the proven delivery of the Durham Villages Regeneration company on sites elsewhere in the district where more than 565 low cost houses and 260 for rent have been provided in recent years and the clear economic and social benefits these schemes have brought to the regeneration of the villages, it is considered that, there are exceptional circumstances which mitigate the need for affordable housing provision in this case. This type of accommodation will integrate readily into the existing estate, and is well related to existing local facilities, and opportunities for sustainable transport, with an extensive bus network close at hand.

The disposition of housing on the site respects the privacy and amenity that existing residents can reasonably expect to enjoy. Minor tweaks of the layout have sought to address some detailed relationships within the layout, to the benefit of some residents, and the retention of extra small trees. The proposed accommodation provides a good degree of privacy and amenity for prospective residents, from privacy, appropriate garden size, and off-road parking.

The site is located within Newton Hall Local Centre - however this does not currently preclude residential development, and as a predominantly brownfield site within the settlement boundary, the principle of residential development is acceptable in policy terms and the proposed development accords with the emerging Local Development Framework.

The land has provided a recreational facility to local residents and children for a number of years, and it is planning policy that states such facilities should be displaced rather than lost where development is considered appropriate. Treed open space is to be left within the layout, and it is noted that within 350 metres of the site there is a large informal play area, with football goal-posts and play equipment. The bowling facilities have been provided for at the nearby Council Sports Centre, where there is also a multi-function area serving a similar purpose to the rough-surfaced basketball/tennis courts. Discussions with Sport England have addressed the appropriateness of these alternate facilities. A contribution to the upgrading of the nearby tennis courts operated by Framwellgate Moor Parish Council would provide compensatory benefits.

Likewise, following initial concerns from Natural England on the quality and breadth of the Bat Survey and Mitigation Strategy, the developer has been advised of the need to meet the detail of their responsibilities under the Wildlife and Countryside Act 1981.

The development has been redesigned to meet the requirements of the County Highway Authority and the effects on both current arrangements and the increase in traffic the site will generate and its effect on existing surrounding land uses is considered acceptable. The loss of informal parking for the school in planning and highway policy terms could potentially be seen as a benefit, encouraging sustainable transport alternative in line with national advice.

Officers consider the scheme a high quality development, which subject to standard conditions, has the potential to provide an extension to the family housing stock of the locality, without unreasonable detriment to existing neighbours. Well placed for local services, and sustainable transport options, the layout retains the majority of the important on-site tree cover. Small areas of public open space and site frontage, and the existence of other such areas nearby mitigate the loss of such features of the existing site, along with the displacement of specific facilities to the nearby Sports Centre. Support for the application is recommended.

## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
7. 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.

8. 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.
9. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
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. 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.
12. All works and working methods on site during the course of construction must be in accordance with a mitigation strategy to be separately and formally agreed in writing with the Local Planning Authority before development commences, in addition to the developers responsibilities under the Wildlife and Countryside Act 1981.
13. Prior to the commencement of development a fully costed scheme to upgrade the tennis courts at King George Field, Framwellgate Moor to a Type 1 MUGA in accordance with Sport England's design guidance shall be submitted to and approved in writing by the Council (in consultation with Sport England and the Parish Council).
14. No development shall take place on the tennis court area of the application site until the approved scheme to upgrade the tennis courts at King George Field, Framwellgate Moor has been completed to the satisfaction of the Local Planning Authority and Parish Council.
15. 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.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms, Plans, Supporting Statements,  
& Technical Information

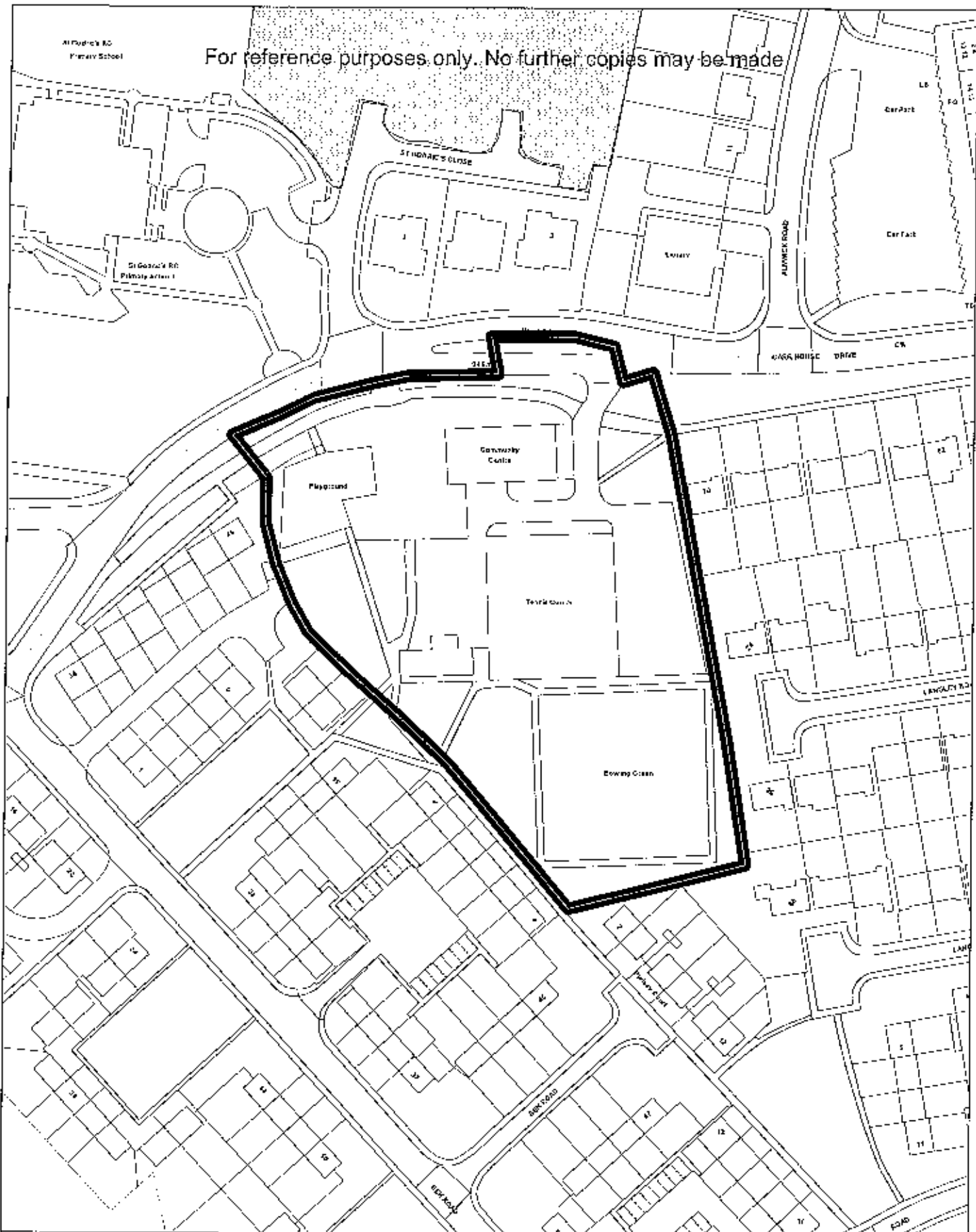


Design and Access Statement  
City of Durham Local Plan 2004  
Public Consultation Responses  
Statutory Consultation Responses  
Various File Notes and Correspondence  
Planning Policy Statements 1 & 3  
Planning Policy Guidance Notes 13, 15 & 17  
Regional Planning Policy Guidance (1)  
City of Durham Local Development Framework: Planning for Housing (Preferred Housing Sites) - September 2006  
Sustainability Appraisal of Housing Sites – Local Development Framework, September 2006



Alfreda RC  
Primary School

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 07/00419/EPA

Land between 48 & 70 Carr House Drive, Newton  
Hall, Durham

Comments

Date

08 August 2007

Scale

1:1250

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



<p><b>07/00421/FPA</b></p> <p><b>Durham Villages Regeneration</b></p>	<p><b>Residential development comprising forty-two 2, 3 and 4 bedroom houses, associated garages, roads &amp; engineering works</b></p> <p><b>Land at Commercial Street &amp; St. Agatha's Close, Brandon, Durham</b></p>
---	---

## **SITE AND APPLICATION DESCRIPTION**

The application site lies centrally within the former mining village of Brandon. To the north and east stand residential properties within St, Agatha's Court. To the south runs Commercial Street and further residential areas, while to the west stands Brandon Club.

Terraced housing once stood on the site, and beneath part of it laid a reservoir, now filled in. However, in recent years, the land has reverted to grassed open place and thus must be treated as a 'greenfield' site.

The proposal is to group 42 houses around two culs de sac, one leading off the other, with vehicular access taken from St. Agatha's Court on the site's eastern boundary.

The houses are a mix of detached, semi-detached and linked townhouse properties of traditional design. The mix comprises three 2 bed units, thirty seven 3 bed units, and two 4 bed units.

At the site's northern and western boundaries, homes and associated rear gardens will back onto rear and side elevations of St. Agatha's Court properties and the side of Brandon Club respectively. Along the eastern boundary the development's side and front elevations will address the St. Agatha's Court estate road. Front elevations will address remaining open space along the Commercial Street south elevation, with front access by footpath only.

Both integral and court garaging is provided, plus drive and forecourt parking.

Existing boundary trees and hedging will be retained wherever possible, and the application is supported by a Tree Report, Design and Access Statement, Planning Statement, Contamination Statement, Flood Risk Assessment, and a justification for exemption from 'affordable' housing policy.

## **RELEVANT HISTORY**

Originally occupied by housing, with a reservoir beneath part of the site, the land has reverted to grassed open space in recent years.

## **POLICIES**

### National Policies

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

PPS3: Housing, sets out the Government's national policy framework for delivering its housing objectives, and includes the need for the delivery of affordable housing.

## Regional Policy

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

## Local Plan Policies

*Policy Q8* requires a high standard of layout and design in respect of new housing development likely to impact on visual amenity.

*Policy H13* seeks to protect residential areas from development likely to impact detrimentally upon their character and the amenity levels of those living within them.

*Policy H12* requires a specified level of “affordable” housing within developments of 25 units or more unless there are exceptional circumstances that dictate otherwise.

*Policy 12A* seeks a variety of dwelling types in terms of size and density within residential schemes to achieve mixed and balanced communities.

*Policy T1* precludes development that would generate a level of traffic prejudicial to highway safety.

*Policy T10* seeks to achieve a balance between highway safety and the opportunity for sustainable travel choices in regard to off-street parking provision

*Policy Q5* requires the effective landscaping of development likely to impact upon visual amenity.

*Policy Q15* encourages the provision of artistic elements within the design and layout of developments.

## **REPRESENTATIONS**

***STATUTORY RESPONSES*** : The County Highway Authority considers the local road network capable of safely accommodating the additional traffic likely to be generated by this proposal, and accepts the proposed level of parking.

***INTERNAL RESPONSES*** : Heritage and Design accepts the design and layout, subject to attention to detail which, it is advised, can be addressed by planning condition. The trees on the site are not considered to be of a high enough quality to justify a Tree Preservation Order being served, but it is suggested that that new tree planting be encouraged. The existence on part of the site of the pervasive Japanese Knotweed is noted, and this must be removed in accordance with the Environment Agency Code of Practice.

***PUBLIC RESPONSES*** : The City of Durham Trust, although not opposing this application, remark upon the absence of “affordable” housing, and query how this proposal relates to the “Brandon Masterplan”.

An objection has been received from a Brandon family on the grounds of such a proposal, if approved, resulting in the loss of open space enjoyed in particular by local children playing where they can be in view of their parents. The absence of “affordable” housing, and concern about the additional traffic 42 houses will create are also cited as reasons to reject this application.

## PLANNING CONSIDERATIONS

This proposal constitutes 'greenfield' development without any element of 'affordable' housing, therefore special justification is necessary. The existence of below ground structures on the site has implications for reclamation of the site prior to re-development but are an insufficient basis upon which to substantiate a claim for regeneration of a brownfield site. The site is identified as a preferred housing site in the emerging Local Development Framework (Planning for Housing - Development Plan Document). The associated Sustainability Appraisal of this site has not highlighted any specific concerns regarding the site. Development prior to the 2011 – 2016 period would be possible by re-ordering the phasing relative to other identified sites.

The vision and aim of the Durham Villages Regeneration Company (DVRC) is to facilitate and deliver economic and social regeneration to the villages within the City of Durham District through the creation of flourishing communities by improving the quality of life for all people who live in, work in or visit the district.

DVRC is a partnership between the City of Durham and national regeneration specialist, Keepmoat. Through DVRC City of Durham Council provide assets in the form of land and property for Keepmoat to develop via Haslam Homes and its Registered Social Landlord partners to provide affordable homes for sale, rent and shared ownership.

DVRC is jointly owned by the City of Durham and Keepmoat. Through DVRC the Council receive full market value for the land and assets provided and an equal share of any profits that are generated from the development of the land and assets. Both land value and the Council's share of profit are ring fenced to assist in the delivery of socio-economic initiatives that are devised in consultation with local people, local Community Boards and other appropriate representative bodies.

Through the Partnership a number of sites are developed, whether in whole or in part, for Affordable Housing although there are also sites where no such specific provision is made. Over the past decade, through DVRC and its predecessor Durham Housing Partnership (DHP), 565 affordable homes for sale and almost 260 for rent or shared ownership have been provided in villages across the district. This long-term investment has acted as a catalyst and delivered social and economic regeneration in the villages, helping people, once under pressure to relocate in search of work, to remain part of the community. Around 65% of sales have been to people living within a 10 mile radius. In addition, over half of the homes sold have been purchased by first time buyers, around 40% of them under 35s with families, which is helping to fill local schools and further generate long-term and sustainable regeneration of these communities.

By realising full market value for the land on which the new homes are built and sharing in the profit generated by sales, the Council is able to free up money to invest in capital projects.

To date £5 million has been spent on initiatives such as the Annand House community facility in Meadowfield, a bus turning facility for schools in Bowburn, public art at Ushaw Moor and a new community centre, bowling green and leisure facilities at Newton Hall.

A further £1.5 million has been committed to community-led projects in Bowburn which includes around £700,000 that has been allocated to and is currently being utilised for a regeneration of the local public park.

The land receipt and potentially an element of the profit share from the Commercial Street, Brandon development will be used to partly fund a new a £12.3 million new swimming pool and leisure centre in Durham. This facility has been designed to be a resource for the whole of the district and is hoped will also become a regional attraction.

Building on the success to date of DVRC in helping to deliver much needed regeneration to villages and communities across the district further potential projects and initiatives are currently being considered including new community facilities and increased training opportunities for local people. The ability to deliver on-going commitments and potential future ones is reliant on the continued successful delivery of housing projects through DVRC such as the one proposed at Commercial Street, Brandon.

I consider this to be a material consideration to which significant weight must be attached.

The layout, house design and mix, and type of land use are in my view entirely appropriate to the site's setting, and subject to appropriate planning conditions, to include landscaping, materials choice and constructional details, have my support. Accordingly, I consider the objectives of Local Plan Policies Q8, H12A, Q5 and H13 to have been met.

In respect of the fulfilment of the provisions of Policy Q15, the applicants have stated their agreement to the upgrading of certain aspects of the scheme. This would comprise natural slate roofs on the prominent terraced Commercial Street frontages together with front garden railings, and the use of artificial stone heads and cills throughout, which I find acceptable.

I also attach appropriate weight to the opinion of the County Highway Authority that the local highway network can safely accommodate the level of traffic expected to be generated by this amount of housing, and that Authority's acceptance of proposed levels of parking. Therefore, in my view, the objectives of Policies T1 and T10 have been met.

The City of Durham Trust's observations concerning the absence of "affordable" housing runs to the heart of the acceptability or otherwise of this proposal relative to the requirements of PPS3 and Policy H12 of the Local Plan. Similarly, neighbour concerns regarding the loss of open space are entirely legitimate. Therefore a judgement is necessary as to whether the delivery of the objectives of the DVRC constitute a special case, allowing the setting aside of planning policies aimed at safeguarding 'greenfield' land, and the provision of 'affordable' housing.

My conclusion is that a special case has been demonstrated. The proceeds from the development of this site will be channelled into the City's new swimming pool and leisure centre, located within the City Centre, which will be of benefit to the entire District, including the residents of Brandon. Indeed, the Government's Local Government White Paper advocates the use of its assets more effectively to deliver better outcomes for the community (Strong & Prosperous Communities Vol. 1, paras 7.49 – 7.53 refers).

I have given due consideration to the neighbour concern regarding the site's development not being included within the Brandon Masterplan. However, this plan is not yet finalised and remains unadopted by the City Council. Furthermore, as the Masterplan's instigators, Durham Villages Regeneration Company, are the applicants for the development currently under consideration, I am confident that the consequences for the regeneration of Brandon have been taken into account.

In the absence of a finalised Masterplan the Council has nevertheless applied a key tenet of the Local Government White Paper that relates to intervention by the local authority to deliver the availability and management of land in seeking to fulfil a balanced housing supply and in so doing meets the aspirations of the Council's most recently approved Housing Strategy (2006). In this regard the site's development would be consistent with the Corporate Context and Wider Priorities stated in the Vision and Priorities (Priority 6, Priority 7 and Priority 8).

I have also taken account of the loss of open space, but do not consider this in itself to outweigh the merits and benefits of this scheme, particularly as an element of open space will remain at the southern end of the site. An assessment of public open space provision by



the Council has indicated a more than adequate level of open space provision in the Brandon area and no barriers to access for the benefit of residents in the site's locality.

Therefore, and in conclusion, I am satisfied that this proposal will both bring about regeneration benefits to the village by providing new and attractive housing, and contribute to the construction of a major new City Centre leisure provision.

## **RECOMMENDATION**

It is recommended that Members be **minded to grant approval**, subject to referral to the Government Office for the North East as a departure from the Development Plan for the area and subject to the conditions listed below:

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100 mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
7. Notwithstanding the information shown on the submitted plan full joinery details set out within the attached schedule, drawn to scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
8. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of

the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

9. Notwithstanding the information shown on the submitted drawings, full details of all proposed retaining walls shall be agreed in writing with the Local Planning Authority prior to construction, and be subsequently built in full accordance with that agreement.
10. Prior to their construction, full details of all garage elevations facing St Agatha's Court shall be agreed in writing with the Local Planning Authority. These garages shall be subsequently built in full accordance with that agreement.
11. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings, and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented and a verification statement produced.
12. 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.
13. 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.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms and Plans

Design and Access Statement

City of Durham Local Plan 2004

Responses from Consultees

Public Consultation Responses

Various File Notes and Correspondence

Planning Policy Statements PPS 1 & 3

Regional Planning Guidance for the North East RPG 1

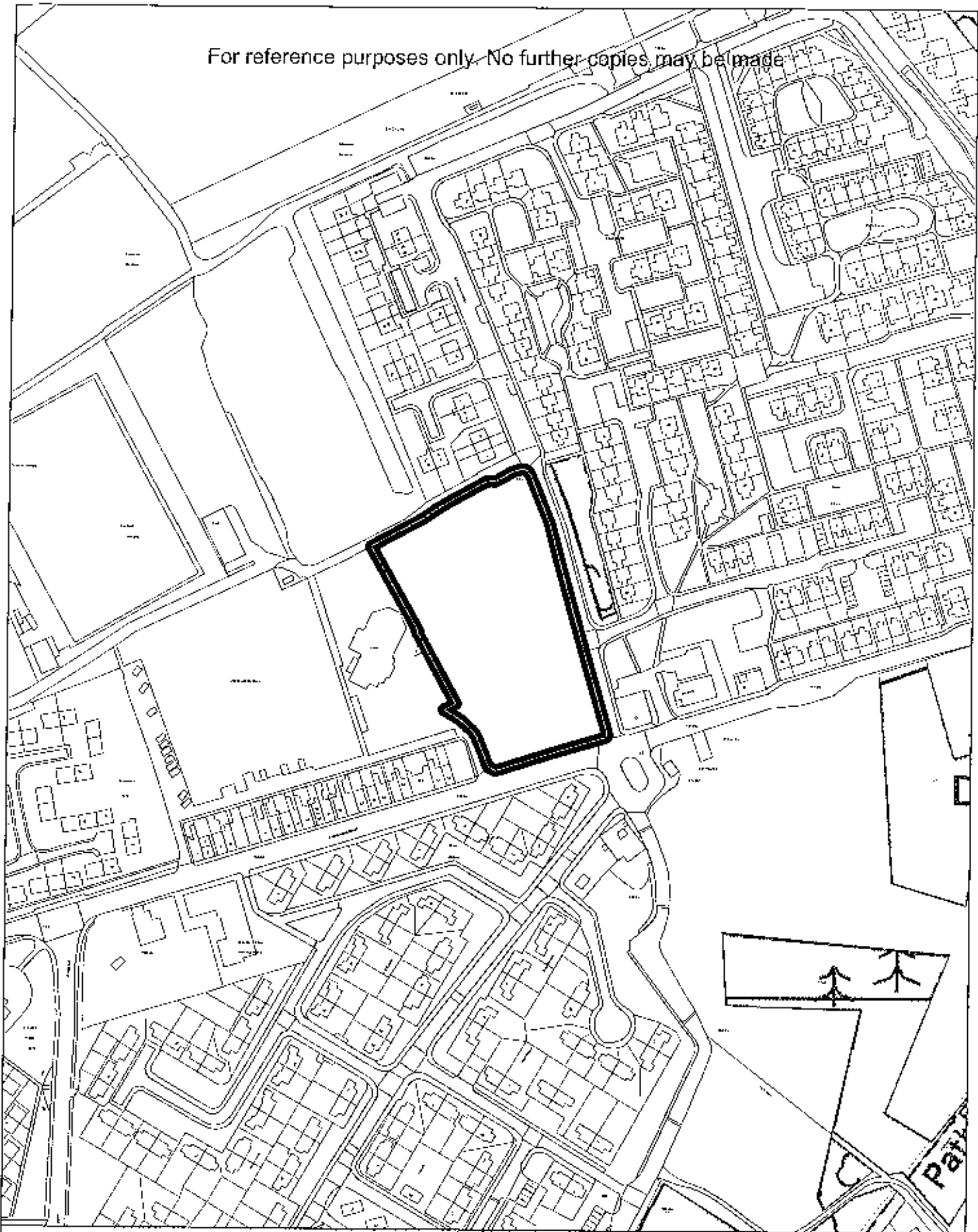
Strong & Prosperous Communities (White Paper: Local Government, November 2006 DCG)

City of Durham Housing Strategy 2006 – 2009

City of Durham Local Development Framework: Planning for Housing (Preferred Housing Sites) September 2006

Sustainability Appraisal of Housing Sites - Local Development Framework, September 2006

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 07/00421/PA

Land at Commercial Street/St Agathas Close,  
Brandon

Comments

Date

09 August 2007

Scale

1:2500

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



<p><b>07/00451/FPA</b></p> <p><b>Hanro Ltd</b></p>	<p><b>Office development to include electricity substation, associated retail units, car parking &amp; landscaping</b></p> <p><b>Former sports ground south east of Durham City Football Ground, Belmont Industrial Estate, Durham</b></p>
--	--

## **SITE AND APPLICATION DESCRIPTION**

The application site lies within the southern part of the Belmont Industrial Estate. To the north is Durham City Football Club's Ferens Park stadium, to the south a public house, a hotel and a car dealership. To the east is the main north-south running estate distributor road, with office and general industrial development beyond, while to the west is the indoor soccer facility.

The proposal is to create 9254 sq m of B1 Use Class office space, with ancillary 280sq m retailing and electricity substation.

Sixteen office units housed in a group of nine buildings would be arranged around courtyards containing landscaped parking. Two small retail units would be incorporated at ground floor level beneath two of the office units.

Predominantly two storeys in height, the buildings are of a contemporary flat roof design employing rendered blockwork and metal cladding, with powder-coated aluminium windows and doors.

The three largest buildings, positioned at the north west, north east and south east corners of the site will be three storeys forming distinctive corner features and incorporating elements of full height glazing.

A substation will be placed between two of the office buildings at the northern edge of the site, whilst enclosed refuse storage will also be mainly located between buildings.

The application is supported by a Planning Statement that includes a Design and Access Statement, Flood Risk Assessment, Tree Survey, Transport Assessment and Travel Plan.

## **RELEVANT HISTORY**

Outline planning permission was granted for General Industrial (Use Class B2) on the application site in 2003. This has now lapsed.

## **POLICIES**

### National Policies

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

Planning Policy Guidance Note 4: Industrial & Commercial development, 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 have to be pursued together.

Planning Policy Statement 13: Transport aims to integrate planning and transport at the National, regional and strategic level to promote more sustainable means of transport. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling reducing the need to travel by car.

### Regional Policy

The Regional Spatial Strategy (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings and states that City & Town Centres are the preferred location for developments except where sites are allocated in existing adopted development sites.

### Local Plan Policies

City of Durham Local Plan 2004 Policy EMP5 defines Belmont Industrial Estate as a Prestige Industrial Site, where Business Use (Class B1) and General Industrial (Class B2) are appropriate.

Policy Q7 seeks a high standard of siting, design and external appearance for new industrial and business development, appropriate to the area in which it will be located.

Policy T1 precludes new development that will generate a level of traffic prejudicial to highway safety or amenity.

Policy T10 requires a level of off-street parking compatible with both safety and the promotion of sustainable transport choices.

Policy Q5 requires all new development that will have an impact on the visual amenity of the area to incorporate a high standard of landscaping.

Policy Q15 encourages the provision of artistic elements within the design and layout of new development.

## **REPRESENTATIONS**

**STATUTORY RESPONSES** : The Regional Assembly for the North East accepts that this proposal conforms with the objectives of RPG1 and the Draft Regional Spatial Strategy. Reference is made to the need for good quality links to public transport, pedestrian and cycle networks, linked to the submitted Travel Plan, and the need for sustainable building practices to provide at least 10 % of the site's energy requirements from embedded renewable energy. The use of sustainable urban drainage is also encouraged.

One North East is broadly supportive of this proposal as a means of generating employment in a suitable location. High quality design and the use of renewable energy measures within the development are requested.

The County Highway Authority raises no objection to the proposals, subject to planning conditions addressing the upgrading of provisions within the local road network.

The Highways Agency raises no objections subject to a number of planning conditions being imposed on any planning consent addressing adherence to the submitted Travel Plan, and the mitigation of traffic generation resulting from this proposal impacting on Junction 62 of the A1(M) motorway.

The Environment Agency has accepted the conclusions of the submitted Flood Risk Assessment that the site lies in the low risk Flood Zone 1 and therefore does not require either a sequential test to justify the development's chosen location nor finished floor levels

to be raised. However the developers are referred to the agency's Standing Advice for Development and Flood Risk in respect of rainwater run-off.

**INTERNAL RESPONSES** : None.

**PUBLIC RESPONSES** : Belmont Parish Council offers no objections to this proposal.

An objection has been received on behalf of Mandale Commercial Ltd, the owners and developers of the adjacent former Phillips site, who currently have a planning application for a second phase of office development under consideration by my office. They argue that a sequential approach should be applied to office development within the Belmont Estate, and that on the basis of the former Phillips site being of a previously developed "brown field" nature; it should take preference in terms of determination over the Hanro proposal, particularly if there is insufficient road network capacity available to safely accommodate both schemes. A legal challenge through Judicial Review is an option being considered should planning permission for the Hanro proposal be granted.

## **PLANNING CONSIDERATIONS**

In pure land use terms this proposal meets the objectives of Local Plan Policy EMP5 by virtue of B1 office development being appropriate to a Prestige Industrial site. The retail element is small and ancillary, and a useful facility allowing those working in the area to access it on foot without the need to drive out of the estate.

The scale, massing, layout and design of the development is acceptable, the south east corner element being capable of providing a distinctive and attractive feature close to the entrance to the Belmont estate.

However, B1 office activity is probably the greatest traffic generator of all business and industrial development, therefore it is understandable that both the Highways Agency and the County Highway Authority were initially concerned about the impact upon the road networks that they are respectively responsible for.

Consultants acting for the applicants have constructively engaged with these authorities to both address traffic generation through the provisions of a Travel Plan and mitigation measures to the road network. As a result, no objections are now raised in respect of the submitted proposals, subject to appropriate planning conditions.

I have carefully considered the arguments advanced on behalf of Mandale Commercial, and the suggestion of a legal challenge through a Judicial Review should planning permission for the Hanro proposal be granted.

Having given due regard to planning policy contained within RPG 1 and the emerging Regional Spatial Strategy, I am unable to agree that a sequential approach should be applied to the consideration of a proposal for land allocated in an up to date Local Plan. I do accept that emerging RSS Policy 3 advocates the use of previously developed land over "green field" land, but that is in respect of the identification of land for development when preparing Local Development Frameworks, which will replace Local Plans in the future, not in the determination of planning applications on allocated land.

That said, I do not wish in any way to prejudice the redevelopment of the former Phillips site by Mandale Commercial, but by the same token do not feel justified in delaying the determination of the Hanro scheme, merely to allow Mandale to "catch up". Mandale, its consultants, and the relevant highways bodies, will hopefully address highway capacity issues with a robust workable solution.

I therefore offer my support to this proposal, which represents a significant investment in Durham that will hopefully result in a both attractive and economically successful development.

## **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. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. 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.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
9. Refuse storage details, including elevations and materials, shall be agreed in writing with the Local Planning Authority then implemented in full accordance with that agreement prior to the occupation of any building.



10. Prior to their construction, full details of all fire escapes, including design, materials, and colours shall be agreed in writing with the Local Planning Authority. Subsequently they shall be built in full accordance with that agreement.
11. Prior to commencement of development works on the site, details of improvements to the A1(M) / A690 junction, as illustrated in principle on RPS drawing TR03 (Proposed interim layout of grade separated junction 07/07), shall be submitted to and approved in writing by the local planning authority. The improvements shall include the provision of MOVA control on all traffic signals (both existing and proposed). The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
12. Prior to first use or occupation of any part of the development, the required improvements to the A1(M) / A690 junction (as set out in Condition 1) shall be completed to the satisfaction of the local planning authority. This would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency
13. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 1 and 2) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
14. Prior to first use or occupation of any part of the development, the required infrastructure improvements (as set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS) shall be completed to the satisfaction of the Local Planning Authority.
15. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority and Highways Agency.
16. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken no later than six months after first occupation of the development. The results of this survey shall be provided to the Local Planning Authority and Highways Agency, and used to agree appropriate mode share targets, outcomes, and corresponding timescales.
17. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken on an annual basis (at the same time as the baseline survey identified in Condition 5) for as long as the development remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.
18. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms and Plans

Design and Access Statement

City of Durham Local Plan 2004

Responses from Statutory Consultees

Public Consultation Responses

Various File Notes and Correspondence

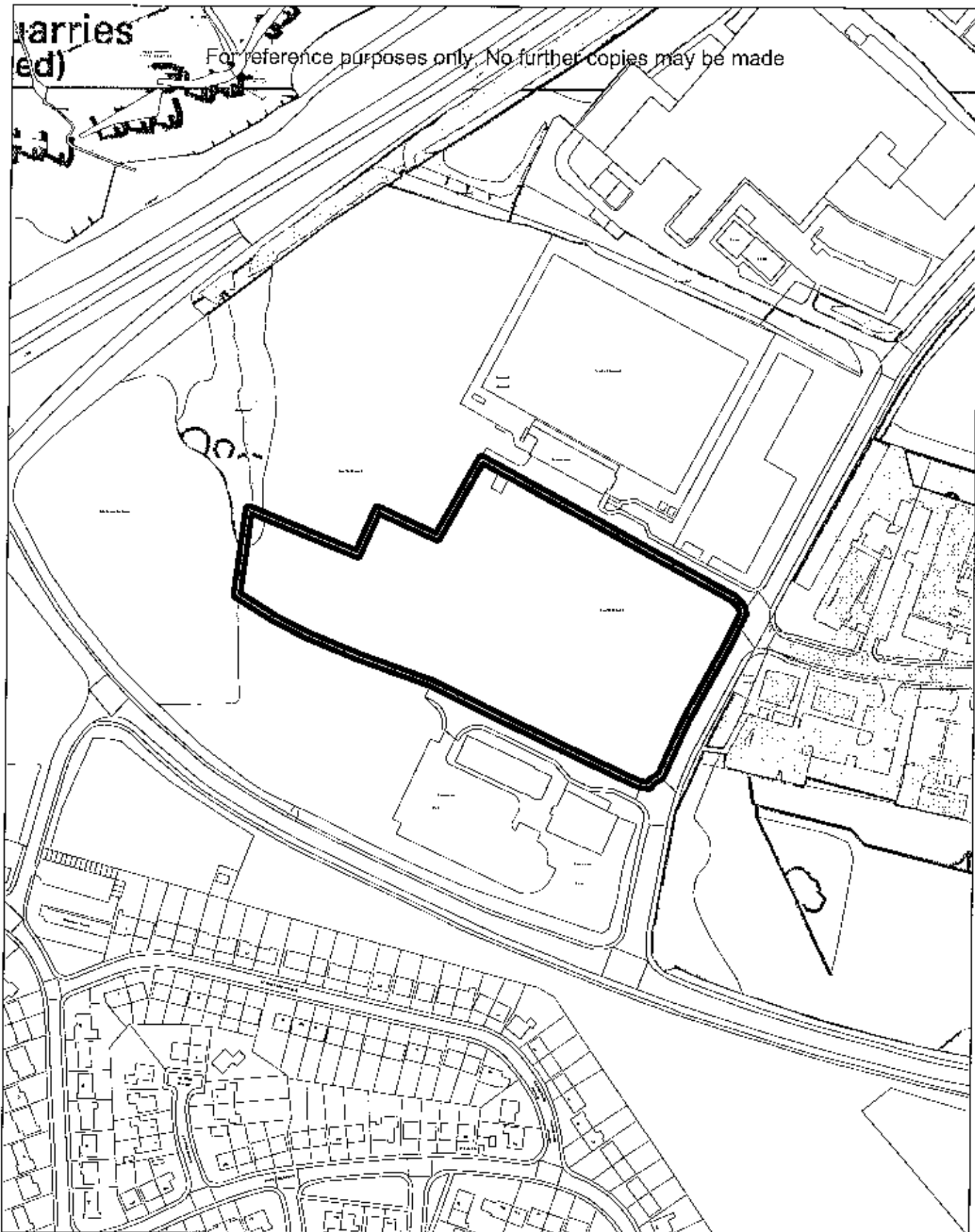
Planning Policy Statement 1

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1)

Draft Regional Spatial Strategy (NE) with proposed modifications 2007

carries  
ed)

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 07/00451/PA

Former Sports Ground, SE of Durham City  
Football Ground, Belmont Industrial Estate.

Belmont  
Comments

Date

13 August 2007

Scale

1:2500

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



07/00465/FPA	Melrose, Bells Folly, Durham, DH1 3RR
Mr A. Jackson	Erection of full width two storey extension to front, with raised main roof facilitating additional storey of accommodation within roof space, with 2 no. dormer windows.

## SITE AND APPLICATION DESCRIPTION

The property is a large detached brick dwelling to the south of the city centre. The dwelling sits prominently within a small housing estate characterised by a range of individual dwellings adding to the pleasant setting of the area. To the rear of the property the estate terminates in a cul des sac at a significantly lower ground level to the applicant's property. Around this cul de sac are a grouping of low storey properties who in terms of scale and appearance have a balanced inter relationship to each other. The application site is separate from this grouping as it is at a higher ground level screened by a dense evergreen hedge so from the lower level only the roof scape is visible.

The application proposes raising the overall roof by 1.5 metres at the ridge and bringing the front elevation forward by 1.7 metres. The rise in the roof height is to provide second floor accommodation of which access is provided to by a gable end stairwell. One velux style window is provided to the rear elevation and two dormer windows to the front.

## RELEVANT HISTORY

99/521 – Two storey side extension to west elevation.

05/1095 - Crown reduction of 2 no. trees, deadwood 1 no. tree, fell 1 no. tree within the Bells Folly Tree Preservation Order.

## 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.

### Regional Policy

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

### Local Plan Policies

Policy Q9 of the City of Durham Local Plan sets out the local policy criteria for assessing house extensions and alterations. The principal considerations are the impact a proposal will have on the visual amenity of the area and the residential amenity of surrounding occupiers.

## REPRESENTATIONS

**STATUTORY RESPONSES** : No objection has been received from the County Highway Authority.

**INTERNAL RESPONSES** : None.

**PUBLIC RESPONSES** : There have been three public objections to the proposal. The objectors concur on the their points raised. The main concern is the raising of the ridge line for an additional storey and the impact the increase in scale and massing will have on the amenity of the residents below in the cul de sac. The objectors are of the opinion that the proposal will be intrusive and at odds with the character of the area. The second concern is the increase in traffic at the premises and impact on users of the estate road.

## PLANNING CONSIDERATIONS

The property is unusual in that at the front it addresses the street and other surrounding properties and is appropriate in scale. To the rear however, when viewed from the lower road level it is also addressing these lower properties although in a secondary sense and not in the formal way as in the front of the dwelling. Any alteration to either elevation will therefore be visible from public and private space. Although visibility is not a reason in itself for objection, some degree of harm must occur.

The front elevation is noticeable when you access the estate and addresses the road and surrounding properties as the main frontage. The proposal seeks to move the two storey main front elevation forward 1.7 metres. To the front of the property is a driveway/parking area that gives sufficient depth from the estate road to accommodate the projection. On further assessment, it was requested of the applicant to recess the front door in order to break up the massing of the elevation by adding a change in depth at ground floor.

Moving to the rear it is here that the more noticeable alterations occur. The principal change is the raising of the roof, change in the pitch and additional gable end. In order to gain the increase in floor to ceiling height the ridge line will be raised by 1.5 metres. To correlate with the raising of the ridge the pitch is steepened from 35 degrees to 40. The impact this will have visually is a larger expanse of roof with a greater fall but the ridge will be further away than existing, albeit higher. The last change in the roof is the new gable end to provide sufficient clearance for the internal stairs. The original proposal for a large dormer window instead and two smaller ones either side amounted to a level of glazing deemed detrimental to the privacy and perception of being overlooked to the properties below. The new proposal is a functional design with a degree of solidity that appears more as a permanent feature . The two triangular windows serve to provide light to the stairwell rather than to facilitate overlooking. Overall, the alteration will be noticeable and to some will appear more dominant in the view from the cul de sac but this is likely to be the case from any alteration to the rear elevation, such is the significant change in levels. As previously stated the application dwelling does not have a formal frontage with the lower properties. These properties address each other with commensurate scale and massing with a relatively uniform ground level, while the rear elevation of the proposal is visible and more dominant than existing it does not directly effect the way residents use and enjoy their properties to say harm is caused to their amenity. Visually it is out of proportion with these lower properties but as they do not share a direct relationship I do not consider a reason for refusal on this point is justified.

In regard to residential amenity the one roof light serving the fourth bedroom is located such that it looks across the top of the dwellings below, and as a second window in a bedroom is likely to not harm residential amenity. The primary bedroom windows are two cottage style dormers set in the front roof slope and are proportional to the expanse of roof. In conclusion although these alterations and extensions to the property provide for a significant change to

its appearance, the impact of this visually and on the amenity of nearby properties is such that it is considered that no significant harm will result and the application is therefore supported.

## **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. 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 south elevation of the extension hereby approved without an application for planning permission having first been submitted to and approved in writing by the Local Planning Authority.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms and Plans  
Design and Access Statement and supporting documentation  
City of Durham Local Plan 2004  
Responses from Consultees  
Public Consultation Responses









<p><b>07/0505/FPA &amp; 07/0503/CAC</b></p> <p><b>3R Property Development Ltd</b></p>	<p><b>Former Elliotts of Durham, Ainsley Street, Durham, DH1 4BJ</b></p> <p><b>Demolition of existing garage buildings &amp; erection of six bedroom dwelling-house for people with learning disabilities (Class C3)</b></p> <p><b>Retrospective Conservation Area Consent application for demolition of garage/storage buildings</b></p>
---	---

## **SITE AND APPLICATION DESCRIPTION**

The application site in Ainsley Street is occupied by remains of the structures formerly occupied by Elliotts Removals. Situated to the rear of the Durham Companion's Club, in sight of the bus depot, the site is at the edge of Flass Vale, with the surrounding terraced streets an architecturally characterful backwater, socially dominated by the effects of the buy-to-let property market. A notable feature of the area is the dramatic change of levels in a comparatively short distance with the site set low, at the same level as Waddington Street, adjacent terraces at a higher level, with Mowbray Street on the rising ground that leads to Redhills. This is therefore a brownfield site inside both the settlement boundary, and the City centre Conservation Area.

The application proposes a building providing four storeys of accommodation, with the highest set half into the roof of the building. Designed with a converted warehouse appearance to accord with the surrounding Victorian vernacular of a mixed use area. The proposed building replicates in elevation a development approved on appeal by the Planning Inspectorate following Committee Refusal in January 2005. That structure was to accommodate three flats with a total of eleven bedrooms. Whilst elements of the current site structures were removed under the auspices of the Conservation Area Consent application approved in parallel, the main development has not been initiated. The applicants now propose an alternative use for the building, of a six bedroom dwelling-house for people with learning disabilities (Class C3), with a non-residential element of permanent supervision.

No on-site parking is provided.

A parallel application for the full demolition of the existing buildings on site again accompanies the development proposals.

## **RELEVANT HISTORY**

The applications referred to above, approved on appeal were the third attempt at recent permission for the site by the applicants. The first pair of applications were withdrawn immediately before committee, on the threat of refusal. A second pair were refused on the basis that the relationship between those proposals and adjacent property in Mowbray Street did not meet required standards, and therefore had an unreasonably adverse effect on the occupants of those properties.

## **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, sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses.

Planning Policy Guidance Note 13: Transport, seeks to promote more sustainable transport choices, and reduce the need to travel, especially by car.

Planning Policy Guidance Note 15: Planning and the Historic Environment, provides a full statement for Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

### Regional Policy

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

### Local Plan Policies

Relevant policies of the City of Durham Local Plan, 2004 for the consideration of this application are considered to include:

Policy H2 which sets out the criteria for applications for new housing in Durham City,

Policy H7 which seeks to encourage new housing development and conversions on sites within or close to the City Centre,

Policy H13 which seeks to protect the character of residential areas from development which would have a significant effect on the area or the amenities of residents,

Policy H16 sets out those matters that should be taken into account in considering proposals for residential institutions, and student halls of residence, including provisions to be well located to shops, community and social facilities, along with public transport, with the location and form of development providing satisfactory amenity and open space for residents, and that they do not detract from the character and appearance of areas, or the amenities of existing residents,

Policy Q8 which seeks to ensure the quality of new residential development, and ensure the privacy and amenity of existing property and residents,

Policy E6 and E22 seek to protect the character of the City Centre Conservation Area,

Policies T1 and T10 which address matters of general highways arrangements, and parking.

The full text of all the above Local Plan Policies is available for inspection in the City of Durham Local Plan, 2004, and can be accessed on-line at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)

## **REPRESENTATIONS**

**STATUTORY RESPONSES** : The County Highway Authority raises no objection to the proposals, subject to provision of a pin kerb and footway being implemented to the front of the building. At the request of a local Ward Member the lack of parking proposed with the scheme was queried with the Highway Authority confirming their opinion.

**INTERNAL RESPONSES** : None.

**PUBLIC RESPONSES** : The public consultation exercise consisted of direct mail consultation letters to 27 addresses, along with site notices, and an advertisement in the local press.

A series of objections have been received from two local residents. Objections can be summarised into two main topic areas:

Firstly, acknowledging that the building as a structure has already been approved at appeal, objectors ask for the principal of development, considered of a size and scale that overwhelms the adjacent residential dwellings to be reconsidered, the amenities of residents being unreasonably compromised.

Secondly the two objectors have concerns as to the use proposed, both in the suitability of the site for the proposed residents, and its potential effect on existing residents. The proposed site is set in a population of 'vulnerable' students, and adjacent Flass Vale, with aspirations for its development as a nature reserve, with added attraction to families. Objectors are worried by the applicant's agent's description of the needs of likely occupants of the development in providing specialist services for persons who do not fit readily within a supported living environment, and generally have a history of failed placements. The lack of external amenity space within the development, and the proximity to the public amenity area of Flass Vale are both questioned. The timing of the application, in advance of discussions with County Social Services on the need for the facility is viewed with suspicion from correspondents.

Additional matters raised include the likely detrimental effect of the development on the trees immediately adjacent the site, and the lack of parking provision.

The full text of correspondence is available for inspection on the application file, and electronically on the Council's web-site.

## **PLANNING CONSIDERATIONS**

The consideration of this application can be divided into two parts - the implications of the building, and the implications of the use.

The application proposes a building of a design arrived at after much consultation and revision with officers. The building's detailed design, and its exact relation to existing structures and spaces has been granted approval by the Planning Inspectorate (subject to standard conditions relating to materials and the like), and is subject to an extant consent. Given that the level of accommodation proposed internally is far less than that previously approved, it is officer's advice that it would be inappropriate to revisit these matters as there has been no change in policy, nationally or locally that could justify an alternate conclusion. Officers consider the design of the building wholly appropriate to the immediate and wider surroundings. The physical relationship to existing surrounding residential properties likewise benefit from the existent approval, and are likewise considered appropriate.

The use of the site must be considered against the planning policies set out for the control of such uses, which effectively can be synthesised into the requirement for the proposed use not to have an adverse effect on the amenity of existing residents, whilst allowing sufficient amenity for prospective residents of the development. Whilst the site is in a quiet area of the City, facing the public amenity area of Flass Vale, and possessing many of the characteristics of an urban-fringe cul-de-sac, it is also within a few hundred metres of the City Centre, prime retail areas, the Bus Station, Rail Station, and the community facilities available in the centre of Durham. The central location does bring some compromise, with the lack of parking available for staff and visitors, but the close relation to the main public transport nodes is in accord with local and national requirements for such, as evidenced by

the response of the County Highway Authority. This compromise is common to many City Centre residents.

Whilst local residents are unhappy that the developer should approach the Council as Planning Department, before the County Social Services, it must be borne in mind that each Authority will consider those subject areas relevant to its jurisdiction. The County Social Services Department will consider the need for the facility, the specifics of the level, type, and standard of accommodation, and private area, and will licence them, or not on the basis of their standards. The development is claimed to meet the standards of the Commission for Social Care Inspection (CSCI). Whilst it is usual practice for Social Services to be approached first, there is no requirement for such, and no obvious implication to be derived from it. Discussions with the Countywide Commissioning Manager for Learning Disability Services revealed no concerns or objections to the proposed siting of the facility in terms of the requirements of users, or the effect on local residents. The applicants agents have provided supporting information and advice in the form of extracts from the White Paper, 'Valuing People: A New Strategy for Learning Disability in the 21<sup>st</sup> Century', to explain their justification for the integration of the use into the neighbourhood. In terms of the introduction of the use into a residential area, the Ainsley Street site is near the County Hospital, and a Mental Health Resource Centre, indicating that there are established elements of Care in the Community successfully integrated into the existing social fabric of a district that is far from wholly residential. Officers are of the opinion that the site and building propose offers the opportunity to provide a centrally based facility that could meet the needs of its residents, without detriment to the existing community, subject to the licensing requirements of Social Services, that accords with the planning policies of the Council.

Objection has been raised as to the potential effect on the trees adjacent the site. An independent report, commissioned by the Council, recommended after detailed inspection that the tree be removed and replaced.

On the basis that the proposed building has already been agreed in detail, and benefits from an existent consent, and that in planning terms, there is no evidence that the proposed use would fail to meet the needs of its residents, or unreasonably affect the amenities of existing residents or users of the area, the application is, subject to conditions recommended for approval.

The concurrent application, for the demolition of the existing structures, is likewise recommended for approval with the provision that timing of the demolition is tied to commencement of the development, so as to protect the Conservation Area.

## **RECOMMENDATION**

That the application No. 4/07/505/FPA 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. All new fenestration, glazing and head and cill. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. Details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
5. 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.
6. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings, and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
7. Before the development hereby approved is occupied, the footway arrangements to the front of the site must be improved to incorporate a kerb and footway, to a scheme to be agreed in writing by the Local Planning Authority.

That the application No. 4/07/503/CAC 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. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

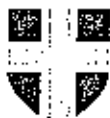
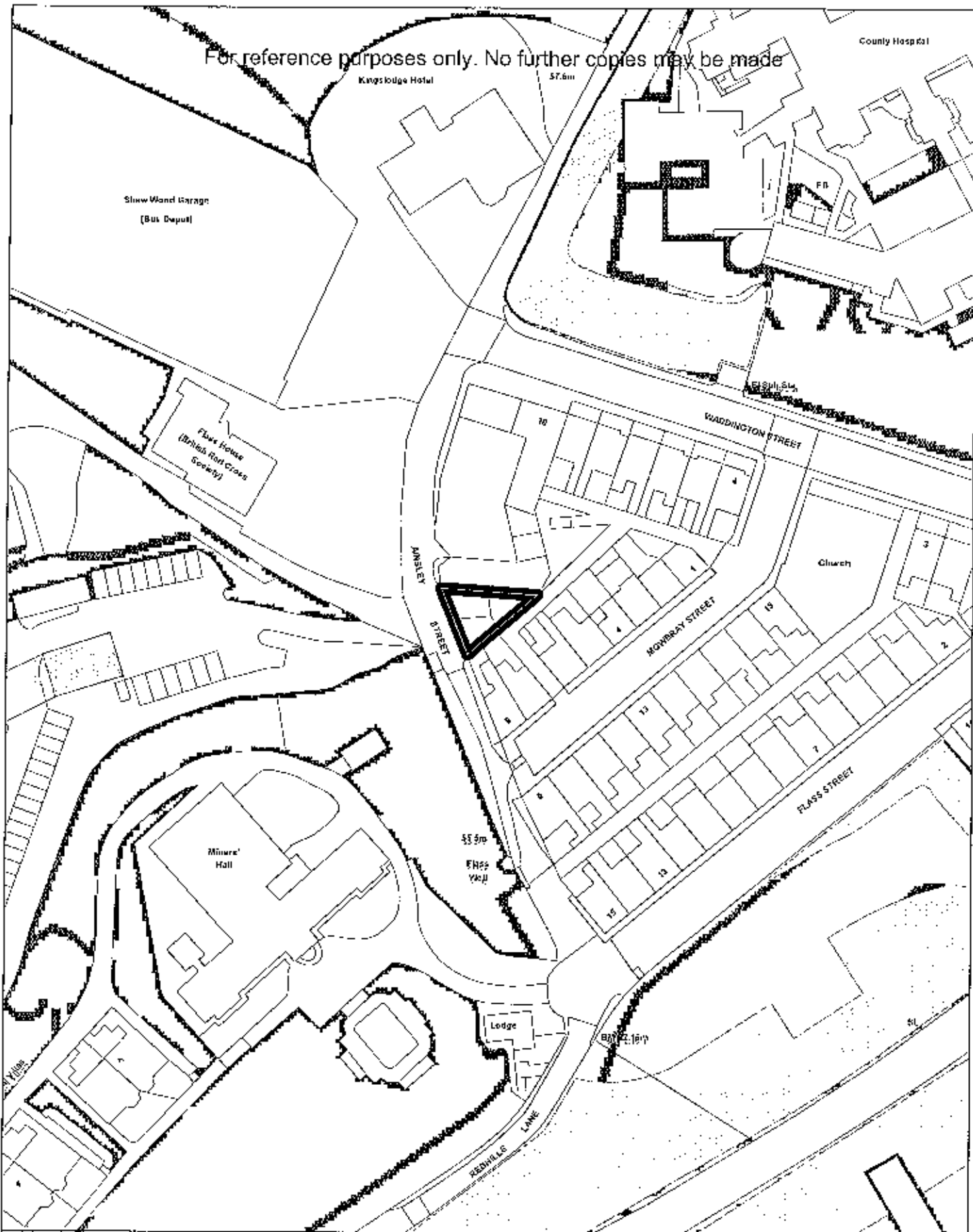
## **BACKGROUND PAPERS**

Submitted Planning Application Forms and Plans  
Applicants Supporting Statements  
Design and Access Statement  
City of Durham Local Plan 2004  
Tree Report  
Responses from Statutory Consultees  
Public Consultation Responses  
Correspondence from Local Member  
Various File Notes, e-mail records and Correspondence  
Planning Policy Statements 1 & 3  
Planning Policy Guidance Notes 13 & 15





For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 07/0505/FPA & 07/0503/CAC  
Former Elliots of Durham, Ainsley Street, Durham

Comments

Date

08 August 2007

Scale

1:1000

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



<p><b>07/00558/RM</b></p>	<p><b>Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham</b></p>
<p><b>George Wimpey NE Ltd</b></p>	<p><b>Reserved matters approval for the erection of 42 no. dwellings (12 apartments, 30 houses), vehicular and pedestrian access, landscaping and temporary sales board.</b></p>

## **SITE AND APPLICATION DESCRIPTION**

The application site relates to Dryburn Park House, a former community hospital located in the north of the City. The site consists of the now disused two-storey flat roofed hospital building, set amongst spacious grounds which contain many mature trees (protected by Tree Preservation Order), and extends to some 0.88 ha. There is a boundary hedge around the north east and north west sides of the site. The existing access is taken from Dryburn Hill. The University Hospital is located to the south east of the site but the surrounding area is otherwise predominantly residential.

Following the grant of outline consent including means of access in September 2006 (4/06/00679/OUT), this application seeks reserved matters approval for the siting, design and external appearance and landscaping for the erection of 42 no. dwellings, comprised of 12 no. apartments and 30 no dwellings. Access is provided to the site using the existing access from Dryburn Hill, as agreed at outline stage. Ranging from two and a half to three storey's, the properties are sited such that they predominantly address the two main vehicular routes which bound the site, Dryburn Park and Dryburn Road. The dwellings would be finished utilising contrasting brick types with interspersed use of render, while slate roofs would be used to all dwellings. The properties themselves would offer a mix of accommodation levels being comprised of 25 no. 4 bedroom dwellings, 5 no. 3 bedroom dwellings and 12 no. 2 bedroom apartments. A structure for a subsequent advertisement is also proposed.

Since the submission of the application, further negotiations have taken place with the applicants in consultation with the local ward councillors, and the scheme has been amended in order to address certain concerns expressed by local residents.

## **RELEVANT HISTORY**

In September 2006 outline planning permission was granted (4/06/00679/OUT) for the residential use of the site, with details of the means of access. This application indicated an upper limit of around 37 dwellings. In March 2007, a further application outline application (4/06/01217/OUT) was submitted for an enlarged site which encompassed a strip of land between that of the previous outline and Dryburn Hill, and where an increased upper limit of around 40 no. dwellings was indicated. For clarification, it is the earlier of the two outline applications for which reserved matters approval is sought.

On 31 October 2006 the Council served a temporary Tree Preservation Order on 29 trees within, although largely around the perimeter of the site. The Order was served in order to ensure the protection of the trees which are deemed important in the interests of local, visual amenity. The order was confirmed by the Development Control Committee on 19 April 2007, inclusive of all trees in the temporary order.

## **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. The effective and efficient use of previously-developed land are key criteria.

### Regional Policy

The current Regional Spatial Strategy 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.

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. In accordance with paragraph 4.19 of PPS12: Local Development Frameworks, where an examination in public has taken place and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State. The RSS supports the principles of PPS3 in terms of planning for future households and the provision of a better mix of dwelling types and sizes, particularly in urban areas, as this has important social and economic implications for the future and is essential if the Region is to have a sustainable pattern of development.

### Local Plan Policies 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 E14 (Protection of Existing Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

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.

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

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0 ha. The

associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain at an affordable price for future eligible households.

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

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

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

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

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

Policy 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 has examined the proposal in detail. In terms of traffic generation, they consider that peak traffic flows would be similar to the existing use of the site, and while off-peak flows would be higher this will have a limited impact, and overall the proposals will not cause much greater impact than the existing use. The access from Dryburn Hill will be upgraded to the required standard while the junction with Dryburn Road is considered adequate to meet the demand arising from the proposed development. In addition, the nearby Blackie Boy roundabout allows vehicles to avoid turning across traffic when heading towards Aykley Heads.

In terms of the layout of the site, they have described it as 'novel' and as yet untried within County Durham, however, its concept is broadly supported, although it is recognised that minor alterations may be required to facilitate its implementation satisfactorily. The County Highway Authority has insisted on parking at a ratio of 2 spaces per dwelling due to parking problems in the surrounding area.

At the time of writing, no response has been received from Northumbrian Water.

**INTERNAL RESPONSES** : The Council's Heritage and Design Section offer their support to the scheme, suggesting a number of appropriate conditions for materials and landscaping.

**PUBLIC RESPONSES** : The application has been the subject of significant consultation, by way of press and site notices together with letters to 112 individual properties.

There is widespread objection to the scheme. A total of 42 letters have been received (including a number from single addresses), and while it would be impossible to provide an entire account of the content of each individual letter, a summary of the content is provided below.

A number of issues raised are common to the majority of objections. The scale and character of the proposals raise particular concern. Residents are concerned that the form of development in terms of town houses and apartments arranged in terraces and at a height of two and a half and three storeys is unsympathetic to the scale and character of the surrounding residential properties which are typically two-storey semi-detached dwellings. The density of the scheme is similarly of major concern. Objectors refer to the outline application and the maximum number of dwellings being indicated at 37, while at 42 it is considered to be excessive and combined with the scale and character issues, is considered out of keeping with its surroundings.

Highway safety issues are again of significant concern. Respondents refer in particular to existing parking problems and congestion; particularly during peak periods and that the proposed development will significantly exacerbate these problems. Residents are divided as regards the parking provision on the site; some consider it excessive while others consider it insufficient.

Objectors refer to the existing character of the site derived from the trees and mature vegetation and that their removal will be harmful to the character of the area. In addition, the removal of trees and vegetation facilitates increased density and result in a lack of open space provision within the site or amenity space for prospective occupiers of the apartment block.

The impact of the scheme upon the residential amenity of existing occupiers is well documented. Particular concerns relate to privacy loss by virtue of overlooking to properties

in Dryburn Hill, while issues of loss of outlook and overshadowing have also been raised. These concerns have been expressed by residents in Dryburn Hill in particular where the development is in closest proximity with existing dwellings.

Although less common among the letters of objection, a number of other issues have been raised. These include the inadequacy of the public utilities to cope with the increased demand from the development. A number of objectors also point to issues of noise and disturbance during the construction process, while the ground conditions and implications for existing dwellings are raised in one letter.

A particularly detailed letter of objection has been submitted by Roberta Blackman-Woods MP (City of Durham). For clarification, the letter refers directly to the later of the two outline applications and specifically to the Officer report to the Development Control Committee and the resultant conditions attached to that approval; however, the applicants are pursuing the earlier outline. Notwithstanding this point, the issues raised relate to the following: the height of proposed buildings; their scale and design; density; inadequate level of affordable housing provision; traffic and congestion; loss of trees and vegetation; and, issues of energy efficiency and sustainable development.

County Councillor Burlison objects on behalf of local residents, and raises issues of density, scale and character, congestion and loss of trees and mature vegetation.

The City of Durham Trust are concerned that the proposals represent overdevelopment and of a form which is unsympathetic to its surroundings particularly in terms of height. A lack of affordable housing and a Design and Access Statement are also of concern.

## **PLANNING CONSIDERATIONS**

The principle of the demolition of the existing building and the redevelopment of the site for housing has been accepted through the granting of outline planning permission including means of access in September 2006. As a reserved matters application, issues of principle cannot be revisited at this stage. However, in the interests of clarity, a number of issues of principle will be addressed, before the detailed consideration of the reserved matters in terms of siting, design and external appearance and landscaping are considered.

In terms of affordable housing provision, the outline planning permission to which this reserved matters application is pursuant, was granted prior to the Council's adoption of its Supplementary Planning Document in December 2006 based on a detailed housing needs assessment. There was therefore no requirement for an element of affordable housing and this cannot now be required of the developer at reserved matters stage. The later outline consent from March 2007 did require the provision of four affordable units, and while regrettable that these will not be provided, the applicants are entirely within their rights to pursue the earlier consent. Similarly, the Regional Spatial Strategy is now a material consideration, and its requirement at Policy 39(e) for schemes to have 10% embedded renewable energy generation was not a requirement when outline planning permission was granted and this cannot now be required of the developer.

Planning Policy Statement 3: Housing, sets out detailed requirements for new housing schemes. In particular, in relation to achieving a high design quality, achieving a mix of housing whilst making effective and efficient use of land. These demands must be met while having regard to the characteristics of the application site and the characteristics of the residential development which largely surround the site together with local distinctiveness.

A key characteristic of the application site is the significant mature trees and mature vegetation which largely bound the application site along Dryburn Road and Dryburn Park. The trees and vegetation have therefore been significant in dictating the siting of the proposed dwellings, and as such the development while largely running parallel with Dryburn

Park and Dryburn Road is well set back from its boundaries with existing retained trees together with those proposed retaining the mature landscaped setting which the existing building enjoys. Similarly, the undeveloped strip of land between the application site and Dryburn Hill offers a setting to the development again characterised by existing mature vegetation and openness.

In terms of the density of the development, PPS3 advises that density should be a minimum of 30 dwellings per hectare (dph) and that the density of existing development should not necessarily dictate that of new housing by stifling change or requiring replication of an existing style or form. Imaginative design and layout of new development can lead to a more efficient use of previously developed land without compromising the quality of the local environment in terms of the amenity of prospective and existing occupiers or indeed the mature landscape setting of the application site. The scheme proposes a density of some 47dph. PPS3 has no upper limit, although as an indication, this is below the maximum level referred to in the now superseded PPG3. Therefore, while of a relatively high density, the scheme does seek to ensure that key characteristics of the site in terms of the mature trees and vegetation are largely retained around the edges of the site, while meeting national objectives of achieving effective use of previously-developed land in an efficient manner. Similarly, the scheme seeks to achieve a mix of housing, having both houses and apartments, but also offering a range of 2, 3 and 4 bedroom properties.

The proposed dwellings range from two and a half to three storey's, and it is the resultant ridge height at between 10 and 13 metres, which has caused significant concern among local residents. The surrounding area is largely characterised by two-storey semi-detached dwellings. Again, as referred to above, PPS3 advises that good design is fundamental to high quality new housing and that new development should not seek to slavishly follow that of existing surrounding development. Therefore, while the proposed dwellings are largely three-storey the characteristics of the site in terms of its levels, together with the use of a two and a half storey unit immediately adjacent to No. 7 Dryburn Hill assists in assimilating the development with its surroundings, whilst not appearing at odds with it. The more prominent parts of the site occupy a lower ground level than the adjacent footpaths which bound the site. As a result, and despite the additional storey of accommodation proposed, are in some cases less than 1 metre higher to ridge and below 0.5 metres to eaves (No. 4 Dryburn Hill to plot 37).

More specifically, in terms of the layout and design of the properties facing onto Dryburn Park which are the subject of particular concern among local residents, it is clear that they offer a modulation of the ridge heights together with articulation of the elevations combined with a range of facing materials. The ridge heights of existing dwellings in Dryburn Park, as a result of levels changes, are similar to the proposed dwellings opposite. For example no. 6 Dryburn Park is some 3.0 metres higher at eaves level and 2.0 metres higher at ridge than plot 29 and furthermore no. 5 Dryburn Park and plot 28 both have identical eaves and ridge heights. In addition, the proposed dwellings achieve a separation distance of between 44 and 50 metres with the existing dwellings in Dryburn Park. Therefore, while having a terraced form exhibiting a traditional Durham distinctiveness, it does so in a way which is set well behind existing mature vegetation and proposed trees. The scheme as a whole, therefore, while clearly occupying a different form of development from the traditional two-storey semi-detached dwellings which surround the site, the scale of the proposals are not excessive or of a radically different character, and indeed offer a development which it is considered would enhance the character and quality of an area without requiring replication of an existing style or form. In accordance with the aims of PPS3, the scheme creates its own distinctive character while relating well to its surroundings. The apartment block has the greatest height, however, its ridgeline is set some 20 metres back from the public footway on Dryburn Road, while it is entirely appropriate that where a building is located in a prominent position on the site, such as the Blackie Boy roundabout, that it should be orientated to address this focal point. The dense existing trees provide a setting to the building similar to that of the existing building on the site.



In terms of the internal layout of the site, there is a clear design-led approach to the provision of car parking and access. The series of delineated squares which provide a setting to the buildings have been done in such a way so as to not provide a car-led design in order to provide better integration of pedestrians and vehicles. Permeability of the site is achieved through a pedestrian link from the footpath to the front of properties in Dryburn Hill. The Highway Authority has described the layout of the vehicular and pedestrian accesses as 'novel' design, being the first of its kind in the County. The recently published Manual for Streets (Department for Transport, March 2007) has provided a basis for the concept and has sought to establish and identify standards which differ from established practices in an effort to create more attractive people-orientated streets. The contrasting materials and their layout largely around a central courtyard will provide an attractive place for people to live. PPS1 and PPS3 both advise that better designed streets contribute significantly to the built environment and play a key role in the creation of sustainable, inclusive and mixed communities.

It is considered that the scale, design and density of the proposed scheme will not significantly adversely affect the amenity of existing occupiers of residential property in accordance with Policies H13 and Q8 of the Local Plan. Policy Q8 of the Local Plan sets out guidelines for separation standards between properties. Numbers 3 to 7 Dryburn Hill (inclusive) have the most intimate relationship with the proposed dwellings. A separation distance of 25 metres is achieved between No. 5 Dryburn Hill and plot 35, where the required standard is 21 metres. There is a change in levels such that plot 35 is some 1.4 metres higher to eaves and 1.8 metres higher to ridge, however, the separation distance achieved is considered to ensure that the amenities of existing occupiers in terms of outlook and privacy are safeguarded. The scheme has been amended to remove a garage block positioned to the front of Numbers 5 and 6 Dryburn Hill, replaced by a timber pergola structure with a tree and climbing plants offering additional screening. Similarly, so as to avoid adverse outlook affects, the means of enclosure to the rear of plots 34 to 42 have been designed to be relieved by small courtyard entrance features offering rear garden access. Concerns have been expressed in terms of overshadowing by residents of Dryburn Road. However, the separation distance between these properties and the proposed at 32 metres, is considered sufficient to ensure that existing occupiers will not be subject to unreasonable overshadowing.

Significant concerns have been expressed by local residents in terms of existing congestion around the application site, and fears that this will be exacerbated by the proposed development. The County Highway Authority are satisfied that peak flows from the site would be similar to that of the existing use of the site, and while off-peak flows would be higher this has lesser overall impact on the highway network serving the site. In granting outline consent in September 2006, details of the means of access were considered in detail, and the access to and from the site was, subject to works to upgrade it (condition 8), considered acceptable. Parking problems are evident in the area, and as such, the County Highway Authority has requested parking at a ratio of 2 spaces per dwelling and 1.5 spaces per apartment. A total of 77 spaces are provided within the development, which is considered to meet with this requirement. One resident has raised concerns about vehicular movements in the south-western corner of the site. While 11 no. parking spaces are provided in close proximity of this area, it is considered highly unlikely that vehicle movements would be of such a level and frequency that they would have a significant detrimental impact upon the amenity of existing occupiers in Dryburn Hill. As referred to earlier in terms of the layout within the site, the Highway Authority are encouraging of a move away from established layouts and in view of the above, it is considered that the proposals will not generate a level of traffic which will cause significant additional congestion and the means of access and parking will not be to the detriment of highway safety. The proposals are considered to accord with Policies T1 and T10 of the Local Plan.

In serving a temporary Tree Preservation Order, it was recognised that to include all of the trees on the site would sterilise the site's ability to be developed, and as such, those individual trees together with those which had collective visual amenity attributes were covered in the Order and totalled 29 (5 on the adjoining land not the subject of this application). As such, the removal of trees not covered by the Order is accepted. A Tree Preservation Order is not designed to wholly prohibit tree removal but is largely a method to ensure the effective management of important trees, and to this end, of the 24 trees covered in the Order, a total of 8 are to be removed, and effectively constitute thinning of larger groups of trees, although 5 of these are considered to be of poor physiological condition having 'bleeding canker' to their stems. A total of 23 trees are to be removed including one further tree to be removed from the adjoining land, and which is the subject of a separate TPO application (4/07/00623/TPO). Above and beyond this however, the trees of greatest visual amenity which bound the site along Dryburn Park and Dryburn Road are retained and the buildings have been sited so as to allow for their future growth, thus ensuring that post-development there would be no requirement for their ultimate removal. The soft landscaping scheme proposed seeks to plant a further 23 trees (species include Lime, Apple, Cherry and Rowan), predominantly along the key frontages. There is therefore no overall gain or loss of trees, which is significant given the relative density of the proposed development.

In addition to tree planting, the scheme seeks to retain and consolidate the existing hedge (a mix of Beech and Hawthorn) which bounds the site along Dryburn Road and Dryburn Park. The applicants have proposed to safeguard in perpetuity the hedge as existing and following the implementation of an agreed landscaping scheme through a section 106 agreement. Such an agreement would constitute a land charge thus any future occupier will be made aware of the legal requirement not to remove the hedge. This approach is considered to be an appropriate method of retaining the hedge. This has also removed any requirement for means of enclosure around the edge of the site other than dividing 0.8 metre high post and rail fences between back gardens and 1.8 metre high close board fences between private and public spaces, which taper down to the height of the hedge. Other means of enclosure have been designed to add visual interest within the main courtyard.

In terms of open space provision, the requirements of Policy R2 (Appendix 3) to provide on site open space have not been met. Condition 4 of the outline consent required that where the on site provision was not met; a section 106 agreement would be required to provide a commuted sum in lieu. The draft section 106 agreement referred to above in relation to the hedge also includes this provision. In any event, the dwellings themselves have large rear gardens commensurate with their use as family homes, while the apartment block, which would typically not require the same level, does nonetheless offer an attractive landscaped area of open space within the mature trees fronting the Blackie Boy roundabout.

Remaining concerns expressed by residents relate to the adequacy of the existing sewage and drainage systems to meet the increased demand. At the time of writing, Northumbrian Water has failed to comment on the proposals, despite being consulted in early June. It is considered that if significant concerns did exist at Northumbrian Water, the Council would have received such comments without undue delay. In these circumstances, it is considered that the means by which drainage and sewerage are handled would be dealt with by condition (condition 3 of outline) and agreement reached with Northumbrian Water in discharging conditions to ensure compliance with Policy U8a of the Local Plan.

One objector has raised concerns about the stability of the land and its suitability for development. In accordance with Planning Policy Guidance note 14: Development on Unstable Land, the responsibility for determining whether land is suitable for a particular purpose rests primarily with a developer, and moreover, the responsibility and subsequent liability for safe development of a site rests with the developer. An objection on this ground cannot be substantiated. Similarly, concerns expressed by residents in relation to noise and disturbance during the construction process, hold little weight in terms of resisting

development, however, given the intimate relationship of the site with a number of residential properties, it would be appropriate to restrict the hours of site working and deliveries.

For clarification, consent is sought in principle for the erection of a structure onto which an advertisement board for the site would be displayed. The structure would be positioned between two existing trees fronting the Blackie Boy roundabout, and this is considered to be an acceptable location and would not be to the detriment of visual amenity. The structure would be removed following the occupation of the last remaining unit, and a condition is appropriate to ensure this. A separate application seeking consent for the advertisement specifically to be displayed is currently being considered (4/07/00593/AD).

For clarification and in accordance with paragraph 45 of Circular 11/95: Use of Conditions in Planning Permission, the only conditions which can be imposed when reserved matters are approved are conditions which directly relate to the specific reserved matters (siting, design and external appearance, and landscaping). The developer is therefore largely bound by the conditions of the outline consent.

In summary, it is considered that the proposed development offers a high quality mixed housing scheme which makes both effective and efficient use of the land while providing a distinctive and high quality design responsive to its mature landscaped setting while affording both existing and prospective occupiers a level of residential amenity which they should reasonably expect to enjoy and without detriment to highway safety. Accordingly, officers are able to offer their strong support to the proposals.

## **RECOMMENDATION**

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

1. That notwithstanding the information shown on the submitted plans precise details of all new doors and fenestration including glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
2. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
3. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) ventilation, (iv) rooflights, and (v) rain water goods, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
4. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of hard landscaping to include details of: hard surface treatments; pergolas; garage blocks; and, bin stores. 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.
5. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of soft 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.

6. No work or deliveries to the site shall be carried out on any Sunday or Bank Holiday nor between the hours of 18:30 and 8:00 on any other day.
7. The structure housing the advertisement shown on the submitted drawings shall be removed within 28 days following the occupation of the last dwelling.
8. 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.

***For clarification the conditions attached to the outline application are as follows:***

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. 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.
4. Should the reserved matters application subsequent to this planning permission result in the development of ten or more units, the development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.
5. 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.
6. 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.

7. 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.
8. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
9. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
10. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms and Plans

Amended plans

Planning application file 4/06/00679/OUT

Planning Policy Statements 1 and 3

Regional Planning Guidance note 1: North East

Draft Regional Spatial Strategy for the North East with proposed changes

City of Durham Local Plan 2004

Responses from County Highway Authority, City of Durham MP, County Councillor

Public Consultation Responses

Various File Notes and Correspondence









<p><b>07/00590/FPA</b></p> <p><b>Mr K Whitfield</b></p>	<p><b>Erection of 6 office units with associated highways, parking &amp; landscaping</b></p> <p><b>Land adjacent to Whitfield Court, St John's Road, Meadowfield, Durham</b></p>
---	--

## **SITE AND APPLICATION DESCRIPTION**

The application site lies within Meadowfield Industrial Estate and adjoins Whitfield Court to the north, where the applicant is nearing the completion of a development similar to that currently under consideration.

The current proposal comprises the erection of 6 two storey office buildings (Use Class B1) arranged around a landscaped courtyard containing parking. Access would be taken from Whitfield Court, which in turn is accessed from St John's Road, the Meadowfield Estate's central north-south running spine road.

The contemporary "barrel roof" architectural style mirrors that of Whitfield Court, as does the elevational treatment. A new electricity substation at the eastern edge of the site will form a separate planning submission.

A Design and access Statement supports the current application.

## **RELEVANT HISTORY**

Planning permission was granted in 2005 for the erection of 5 office units (Use Class B1) and a storage building (Use Class B8) with associated compound, on land adjoining the current application site to the north.

Earlier this year planning permission was granted for an on-site bistro for the use of those employed on the industrial estate.

## **POLICIES**

### National Policies

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

Planning Policy Guidance Note 4: Industrial and Commercial Development takes a positive approach to the location of new business developments and assisting small firms through the planning system.

### Regional Policy

Regional Planning Guidance for the North East contained in the emerging Regional Spatial Strategy states, in Policy 18A, that city and town centres are the preferred location for major office development except where sites are allocated in existing adopted development plans.

## Local Plan Policies

City of Durham Local plan 2004 Policy EMP8 designates the Meadowfield Industrial Estate as a General Industrial site suitable for Business Use (Use Class B1), General Industry (Use Class B2) and Storage and Distribution (Use Class B8).

Policy Q7 requires a high standard of siting, design and external appearance for new industrial and business development, appropriate to the area in which it is to be located.

Policy T1 precludes new development that will generate a level of traffic prejudicial to highway safety or amenity.

Policy T10 requires a level of off-street parking compatible with both highway safety and the encouragement of sustainable transport choices.

Policy Q5 requires all new development that will have an impact on the visual amenity of the area in which they will be located to incorporate a high standard of landscaping.

Policy Q15 encourages the provision of artistic elements within the design and layout of development.

## **REPRESENTATIONS**

**STATUTORY RESPONSES** : The County Highway Authority raise no objection to the proposals.

Northumbrian Water raises no objections.

**INTERNAL RESPONSES** : None.

**PUBLIC RESPONSES** : None.

## **PLANNING CONSIDERATIONS**

This proposal constitutes a logical extension to a successful first phase office development nearing completion.

Meadowfield Industrial Estate is becoming increasingly popular as an employment base, and this development should continue the high standard that has already been set.

I consider the submitted scheme to meet the objectives of relevant national, regional and local planning policies, whilst outstanding details, including the provision of a 'percentage for art', can be addressed by planning condition.

Accordingly, this proposal has my support.

## **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.

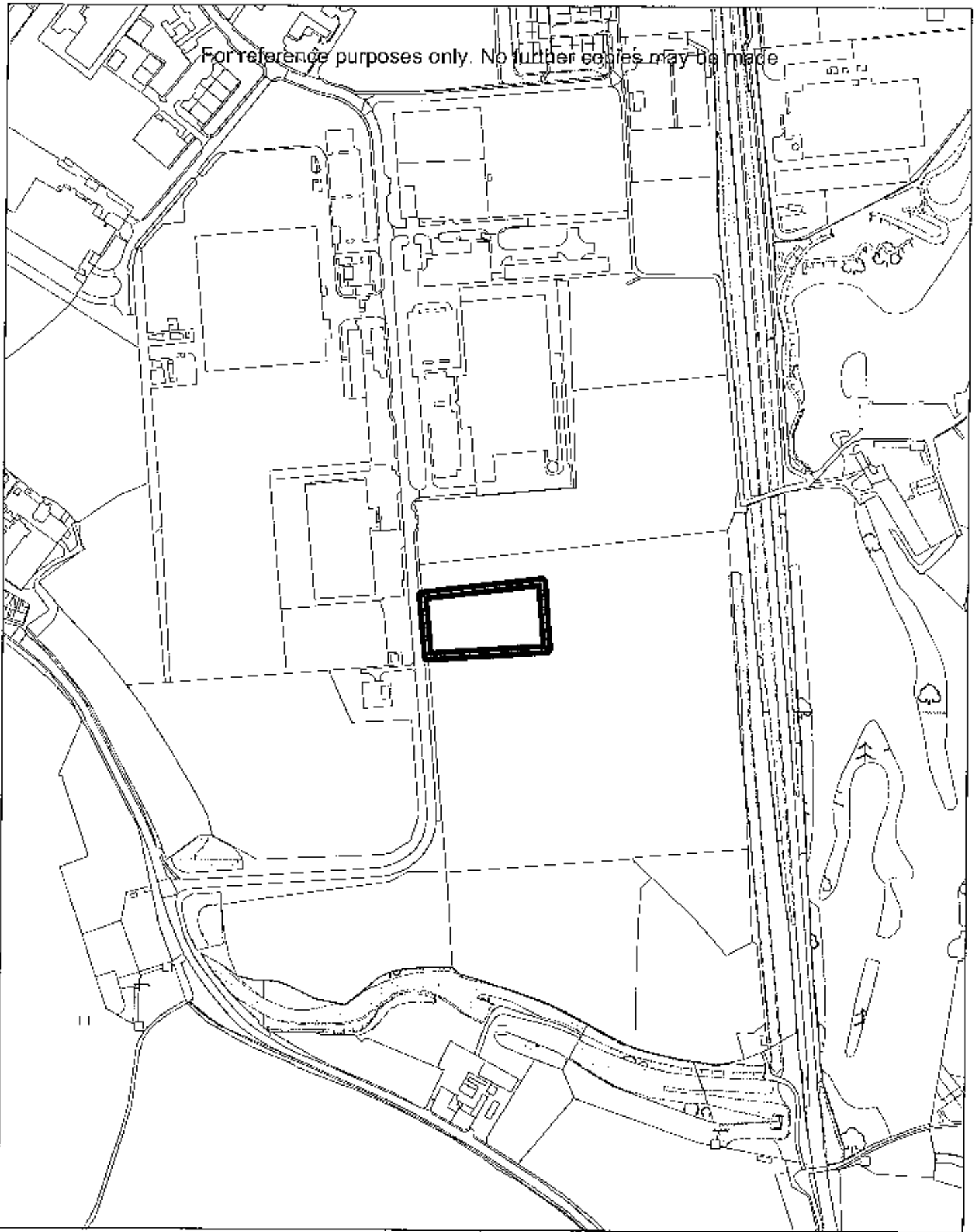
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved 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. 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.
6. 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.
7. Before the occupation of any building on the development site, a Green Transport Plan shall be submitted to the Local Planning Authority and agreed in writing. The approved Green Travel Plan shall then be implemented when each respective building is occupied and retained as such thereafter.
8. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings, and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented and a verification statement produced.
9. 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 and Plans  
Design and Access Statement  
City of Durham Local Plan 2004  
Responses from Consultees  
Public Consultation Responses  
Various File Notes and Correspondence  
PPS1 Planning Policy Statement  
RPG1 Regional Planning Guidance for the North East



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 07/00590/FPA

Land adjacent Whitfield Court, St Johns Road,  
Meadowfield

Comments

Date

09 August 2007

Scale

1:5000

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



# **CITY OF DURHAM**

## **DEVELOPMENT CONTROL COMMITTEE 30 August 2007**

### **Reports for Information**





**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**30 August 2007**

**REPORT OF THE HEAD OF PLANNING SERVICES**

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

**1.1 Appeal by Harrison Properties Limited**

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

Appeals against the Council's refusal to grant planning permission and the issue of an Enforcement Notice in respect of the change of use from general industrial (B2) unit to a mixed use of workshop (B1) and retail shop (A1) at Costspex Opticians, Unit 41 Dragonville Industrial Park, Dragon Lane, Durham, have been allowed in the appellants favour and the Enforcement Notice quashed. (See Appendix (A))

**Recommendation**

That the report be noted.

**1.2 Appeal by Mr W Fitzsimmons**

**Site at Smallholding, Pithouse Lane, Leamside, Durham**

Appeals against the Council's refusal to grant planning permission and the issue of an Enforcement Notice in respect of the erection of an agricultural hay barn, without planning permission, at the smallholding Off Pit House Lane, Leamside, Durham, have been dismissed in the Council's favour and the Enforcement Notice upheld. An application for an award of costs was refused. (See Appendix (B))

**Recommendation**

That the report be noted.

**1.3 Appeal by Mr P McGowan**

**Site at 9 Mount Joy Crescent, Durham, DH1 3BA**

The above appeal against the issue of an Enforcement Notice in respect of the erection of a single storey flat roof extension to rear of existing dwellinghouse and insertion of door in rear yard wall at 9 Mount Joy Crescent, Durham, DH1 3BA, has resulted in the Enforcement Notice being quashed. (See Appendix (C))

**Recommendation**

That the report be noted.

**1.4 Appeal by Mr G Marshall**

**Site at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA**

The above appeal against the Council's refusal to grant planning permission for the erection of garage/store at Shippon House, Smithy Farm, Old Cassop, Durham, DH6 4QA has been allowed. (See Appendix (D))

**Recommendation**

That the report be noted.

**1.5 Appeal by Kingswood Properties Limited  
Site at land adjacent 224 Finchale Road, Newton Hall, Durham, DH1 5QP**

The above appeal against the Council's refusal to grant planning permission for the erection of a detached two storey dwellinghouse with conservatory to rear on land adjacent 224 Finchale Road, Newton Hall, Durham, DH1 5QP, has been dismissed in the Council's favour. (See Appendix (E))

**Recommendation**

That the report be noted.

**1.6 Appeal by Mr J Watson  
Site at land east of Avenue House, High Shincliffe, Durham, DH1 2PY**

The above appeal against the Council's refusal to grant planning permission for the erection of a detached dwellinghouse with garage (revised and resubmitted proposal) on land east of Avenue House, High Shincliffe, Durham, has been dismissed in the Council's favour. (See Appendix (F))

**Recommendation**

That the report be noted.

**3. Planning Applications determined under Plenary Powers**

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

**4. Building Control Applications determined under Plenary Powers**

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



# Appeal Decisions

Site visit made on 16 July 2007

by Alan Upward BA(Hons) MCD MRTPI

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

The Planning Inspectorate  
4/11 Fagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 377 6377  
email:enquiries@pins.gov.uk  
pins.gov.uk

Decision date:  
27<sup>th</sup> July 2007

---

## Appeal A: Ref. APP/Z1320/C/07/2038521

### Costspex Opticians, Unit 41, Dragonville Industrial Park, Dragon Lane, Durham

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Harrison Properties Ltd against an enforcement notice issued by Durham City Council.
- The Council's reference is A1/285.
- The notice was issued on 9 February 2007.
- The breach of planning control as alleged in the notice is **without planning permission the change of use from general industrial (B2) unit to a mixed use of workshop (B1) and retail shop (A1)**.
- The requirements of the notice are to **discontinue using the unit for the purpose as a retail shop (A1)**.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) & (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted.**

---

## Appeal B: Ref. APP/Z1320/A/07/2038013

### Unit 41, Dragonville Industrial Park, Dragon Lane, Durham DH1 2XU

- 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 Harrison Properties Ltd against the decision of Durham City Council.
- The application Ref 4/06/01091/FPA, dated 1 November 2006, was refused by notice dated 22 December 2006.
- The development proposed is a **change of use from B2 General Industry to Class A1 Shops and B1 workshop of the Use Classes Order 2005**.

**Summary of Decision: The appeal is allowed, and planning permission is granted.**

---

1. Unit 41 is a modern business unit within an enclosed courtyard of 10 similar industrial units granted planning permission in 2004 within the extensive Dragonville Industrial Estate and close to the defined Gilesgate District Centre which largely comprises individual modern retail units, anchored by a Tesco Extra store.
2. As I saw it at my visit, the bulk of Unit 41 was, internally, a single space with low level screens separating functional areas. Most of this was accessible to visiting customers as an area for the display of spectacle frames and tables/seating for individual consultations. A section was defined as a reception space/office accommodation and a similar area alongside was the workshop equipped to allow use for the manufacture of spectacle lenses. Towards the back of the building were separate rooms providing staff facilities and a consulting room for an ophthalmologist. The floorspace figures of the Appellant were that, within the 126 m<sup>2</sup> unit, 36m<sup>2</sup> were offices, 40 m<sup>2</sup> were customer space for eye tests and the viewing of products, 30 m<sup>2</sup> were the workshop and 20 m<sup>2</sup> provided reception space.

### Ground (a) appeal, the deemed application and appeal against planning refusal

3. As worded, the 2 appeals relate to the same change of use of Unit 41 ie to a mixed B1/A1 use. The representations of the parties have analysed the business now being operated from these premises in rather different terms. The Council's statement focused on the perceived unacceptable implications of a retail A1 use of Unit 41, but that was not what was being applied for, nor what their enforcement notice alleged. Notwithstanding the wording of their application, the Appellants argued variously about elements of the use of the unit being within A1, B1, B8 or D1. Any primary use can of course comprise a number of ancillary components which would
-

separately fall within different descriptions. The primary use(s) will, however, reflect the main purpose(s) of activity within the planning unit.

4. This effectively seems to be the basis on which the application was made for a mixed A1/B1 use of the site. The manner in which the unit was sub-divided in activity terms did not fully reflect the floorspace figures quoted in the application. A large part was accessible to visiting members of the public, whether as product display space or areas for consultation with staff. I can understand the Council's perception of the unit as "essentially a showroom". The business of an optician is one widely associated with premises in retail areas, although its detailed composition and character may well vary. The Council accepted that the business of Costspex Opticians included a manufacturing element. My decisions on the appeals must relate to the terms of the planning application and the deemed application arising from the wording of the notice's allegation.

#### ***The main issue is***

- Whether the change to a mixed use has resulted in the loss of industrial premises damaging to the area's economic strategy.

#### ***Appraisal***

5. For the purposes of the City of Durham Local Plan (2004) Dragonville is a General Industrial Site designated under Policy EMP8. The local plan's Dragonville "Employment Allocation" is an extensive mature industrial estate where in recent times development opportunities appear to have arisen essentially through re-development of established employment sites. The courtyard containing the appeal premises is one of these. Aside from the area allocated in the local plan for the District Centre, these re-developments have included retail uses. Some are very large, such as the Durham City Retail Park containing a B&Q Warehouse, and others are schemes of industrial style units appearing to contain at least an element of retail use. The Council did not dispute the accuracy of the land use plan for the overall area of Dragonville submitted on behalf of the Appellants. This suggested that a large proportion of units within the courtyard containing Costspex, as well as a sizeable percentage of the smaller units within the wider area up to Dragon Lane, were "Retail".
6. Some of the recent change within Dragonville may reflect wider patterns of change in the nature of land uses in the areas of employment and economic development with blurring of Use Class boundaries and fewer simple B2 General Industrial premises. The Council's concern for the impact of changes on the supply of an industrial land resource is a valid one. As recommended to be modified, Policy 18 of the *Draft Regional Spatial Strategy For The North East* requires planning authorities, in undertaking land assessments, to take into account the need to protect employment land and premises from redevelopment to alternative uses where they are an essential part of the long-term employment land and premises portfolio. There was, however, little basis on which to assess the effects of recent changes in the Dragonville area and the overall position in relation to supply of industrial land and the Council's perception of a "strong demand" for it.
7. The policy justification for EMP8 General Industrial Sites refers to them as "*allowing for a wide range of acceptable uses including business, general industry and warehousing*". The policy itself expressly indicates B1, B2 and B8 uses as permissible in such locations, but does not formally presume against others. The supporting text suggests that "*... it would undermine the local authority's economic strategy if all of it (the district industrial land resource) was made available for non industrial purposes other than where retailing is ancillary to the main manufacturing process ...*". This position falls short of a clear cut presumption against changes of use which include a retail element. The applications in this case are expressly for a mixed use, and I do not consider on the evidence of recent change in the Dragonville area and the implications of this development that the area's economic strategy would be undermined by the use.
8. No case was made about the implications of this development for the retail vitality and viability of the City Centre. Clearly, unrestrained use of employment land for retail warehouse businesses would be capable of affecting this materially. However, available information did not provide a wider context for this individual decision, or suggest that the mixed use of those relatively small premises would be likely to cause material harm in this respect.

9. I note that the Council is currently dealing with a number of planning applications for changes of use of units within the same modern courtyard development for Class A1 purposes. These are indicative of pressure for this form of business use in a location close to the District Centre boundary, and/or might be viewed as supportive of the Appellant's argument that this recent development had not proved attractive for the types of use, for which it had been specifically designed. I have had regard to this situation, but the current appeals raise rather a different question to that seemingly posed by the other applications. The retail element of Unit 41 appears clearly to be more than an ancillary one, but the use would retain some manufacturing component.
10. Conflict with the terms of Policy EMP8 or other elements of the development plan is not clear cut. In adding a retail component to site use, the appeals proposals have to be viewed within the wider context of change at Dragonville. As a mixed use, my conclusion is that the appeals do not result in material harm to the Council's economic strategy for locations such as this. It may well be a matter which the Council needs to re-visit in reviewing policy for the Employment Area, but at this stage I consider that planning permission should be granted.
11. The use has been instituted, and no conditions were suggested as being necessary. If the Council were to form the view at some later stage that use of Unit 41 was not mixed A1/B1, either on the basis of subsequent change in the character of its operation or on the basis of a more detailed assessment of the implications of the business being conducted, it would be possible for them to review the enforcement situation. My decisions are not founded on a detailed appraisal of the character of current site use over and above the basic floorspace information provided. A condition seeking to control the floorspace component of any individual activity within the unit would therefore be unreasonable.
12. The enforcement notice will be quashed. The ground (f) and (g) appeals do not fall to be considered.

### **Formal Decisions**

#### **Appeal A: Ref. APP/Z1320/C/07/2038521**

13. I allow the appeal, and quash the enforcement notice. I grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the change of use from general industrial (B2) unit to a mixed use of workshop (B1) and retail shop (A1) at Unit 41, Dragonville Industrial Park, Dragon Lane, Durham City, as shown on the plan attached to the notice.

#### **Appeal B: Ref. APP/Z1320/A/07/2038013**

14. I allow the appeal, and grant planning permission for a change of use from B2 General Industry to Class A1 Shops and B1 workshop of the Use Classes Order 2005 at Unit 41, Dragonville Industrial Park, Durham DH1 2XU in accordance with the terms of the application, Ref 4/06/01091/FPA, dated 1 November 2006, and the plans submitted with it.

*Alan Upward*

INSPECTOR





# Appeal Decisions

Hearing held on 17 July 2007

by **Michael Hurley BA 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.gov.uk](mailto:enquiries@pins.gov.uk)

Decision date:  
30<sup>th</sup> July 2007

---

## Appeal A Ref: APP/Z1320/A/07/2033790

### Smallholding off Pit House Lane, Leamside, West Rainton, Co 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 Mr W Fitzsimmons against the decision of the Durham City Council.
- The application (Ref: 4/06/00836/FPA) dated 2 October 2006, was refused by notice dated 30 November 2006.
- The development proposed is the erection of an agricultural hay barn.

**Decision: For the reasons given below, I hereby dismiss the appeal.**

---

## Appeal B Ref: APP/Z1320/C/06/2033691

### Smallholding off Pit House Lane, Leamside, West Rainton, Co Durham

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr W Fitzsimmons against an enforcement notice issued by the Durham City Council.
- The Council's reference is A15/23.
- The notice was issued on 12 December 2006.
- The breach of planning control as alleged in the notice is:  
Without planning permission, the unauthorised erection of a partially constructed barn.
- The requirements of the notice are:  
Dismantle the building and remove the resultant materials from the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

**Decision: For the reasons given below, I hereby dismiss the appeal, I uphold the enforcement notice, and I refuse planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.**

---

### Applications for costs

1. At the hearing, applications for costs were made by Mr W Fitzsimmons against the Durham City Council; and by the Durham City Council against Mr W Fitzsimmons. These applications are the subject of a separate decision document.
-

## **Appeal A**

### ***The site and the proposed development***

2. The smallholding lies in open countryside on the east side of Pit House Lane, a little to the north of the main built-up area of Leamside. It is bounded to the north by a public footpath. It has an area of about 4ha and consists mostly of grassland. In its north-west corner there is an enclosure. This contains a small agricultural storage building, for which planning permission was granted in 1996; and a larger tractor house, for which permission was granted in 1999.
3. The siting and dimensions of the barn currently proposed were amended by a letter from the appellant's agent to the Council dated 6 November 2006. A plan enclosed with that letter shows the proposed barn sited in the field to the east of the existing buildings. The proposed barn would measure 10m by 12m. It would stand about 5m high to the eaves, and about 7.5m high to the ridge of its pitched roof.
4. I note that on 21 November 2006, the appellant's agent submitted a further drawing, suggesting that the barn's dimensions could be amended to 18m long, by 12m wide, by 6m high to the roof ridge. However, no plan was submitted to show precisely how such a building would be sited. In the circumstances, I consider the application to be for the erection of the barn as proposed in the letter of 6 November 2006 and the accompanying plan.

### ***Reasons***

5. Policy EMP17A of the City of Durham Local Plan indicates that planning permission will be granted for agricultural development, provided that the proposal is justified in terms of its size and location. In refusing planning permission for the appellant's scheme, the Council took the view that there was no justification for the erection of a further agricultural building on this land.
6. The appellant's evidence is that, in a good year, up to 50 tons of hay can be taken from this smallholding, in two cuts. If it is stored outside, the hay gets wet and rots. The barn is needed, so that the hay can be stored through the winter, when it can be used to feed animals on the holding, or can be sold at a higher price than it would fetch in the summer. Compacted hay occupies a volume of about 7m<sup>3</sup> a ton, so there is a need for about 350m<sup>3</sup> of indoor storage space.
7. I note that, in a letter to the Council dated 6 August 1999, Mr Fitzsimmons indicated that an average of 2,000 square bails of hay were produced (the equivalent of 40 tons); and that these were "in turn stored in the existing barn alongside the general maintenance equipment required on the holding". However, the capacity of the small storage building appears to be substantially less than 350m<sup>3</sup>. Furthermore, I understand that the appellant is now precluded from storing hay and equipment in the same building, by his insurers. In the circumstances, the tractor house also seems to be unsuitable for hay storage. I conclude that the provision of some additional hay storage accommodation would be justified.
8. However, the proposed barn would have a capacity of 600m<sup>3</sup> to eaves level, and about 750m<sup>3</sup> in total. That would be substantially more than would be



needed to store the maximum annual hay output from the smallholding. On the evidence available to me, I am not satisfied that additional space is needed for the storage of equipment and materials used on this smallholding. The existing buildings have a combined capacity of more than 500m<sup>3</sup>, which seems to me to be ample for the storage of agricultural equipment and materials, having regard to the limited size of this holding. Furthermore, it is not clear to me that the proposed hay barn could be used for the storage of agricultural equipment, in view of the restriction imposed by the appellant's insurers.

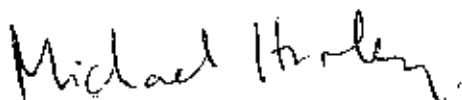
9. The proposed barn would be a conspicuous feature in this open, Green Belt area. As well as being visible from the public footpath to the north of the appeal site, and from Pit House Lane, it would also be seen from the railway bridge in Leamside village, and from Cocken Road to the west. It seems to me that a building of the height proposed is unjustified, and would be contrary to Policy EMP17A of the Local Plan. I find it unacceptable on these grounds.

### **Appeal B**

10. The partially completed barn lies to the east of the existing buildings on the appeal site. It measures about 15.7m long by 9m wide and is about 6m high to the eaves. It would therefore have a capacity in excess of 800m<sup>3</sup>, more than twice as much as would be needed to store the smallholding's annual hay output. I do not consider there to be an agricultural justification for a barn of this size on the appeal site. In view of this, I consider that the retention of the building would be contrary to Policy EMP17A of the Local Plan. I am aware of no circumstances in the present case that would justify a departure from this policy. I conclude that neither the appeal against the enforcement notice, nor the deemed application for planning permission, should succeed.

### **Other Matters**

11. I am aware that the Council have recently granted permission for a number of buildings on open land in the vicinity of the appeal site. I note that some of these are for equestrian rather than agricultural use. However, I am not fully aware of the background to any of these cases, and it is not for me to comment on them. In themselves, they do not justify further development.
12. I am also conscious of the appellant's concern that material stored in the open on the appeal site could be vulnerable to theft. However, it seems to me that the dogs that currently patrol the enclosure would constitute a significant deterrent to malefactors. Furthermore, I am not satisfied that any items of value, which may currently be left in the open, could not be stored in one or other of the existing buildings on the site.
13. I have taken account of all the other matters raised, including the fact that the appellant is prepared to plant a screening hedge to the east of the proposed building, as suggested by the Council. However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to my decisions.



**MICHAEL HURLEY**

APPEARANCES

FOR THE APPELLANT:

Mr G Holmes Consultant

Mr W Fitzsimmons Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Taylor Development Control Section, Durham CC

Mr A Cutter Planning Enforcement Consultant

Ms P Glaister Planning Compliance Officer

DOCUMENTS

- 1 Attendance list
- 2 Council's letter giving notice of the hearing
- 3 Council's letter to appellant dated 8/11/05 with plans



---

## Costs Decisions

Hearing held on 17 July 2007

by **Michael Hurley BA DipTP MRTPI**

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

The Planning Inspectorate  
4711 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 322 6372  
email: [enquiries@pins.gov.uk](mailto:enquiries@pins.gov.uk)

Decision date:  
30<sup>th</sup> July 2007

---

### **Costs Application A in relation to Appeals Ref: APP/Z1320/C/06/2033691 and APP/Z1320/A/07/2033790**

#### **Smallholding, Pit House Lane, Leamside, West Rainton, County Durham**

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6; and the Local Government Act 1972, section 250(5).
- The application is made by Mr W Fitzsimmons for a full award of costs against the Durham City Council.
- The hearing was in connection with an appeal against an enforcement notice alleging the unauthorised erection of a partially constructed barn; and an appeal against the refusal of planning permission for the erection of an agricultural hay barn.

**Summary of Decision: The application fails and no award of costs is made.**

---

### **Costs Application B in relation to Appeals Ref: APP/Z1320/C/06/2033691 and APP/Z1320/A/07/2033790**

#### **Smallholding, Pit House Lane, Leamside, West Rainton, County Durham**

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6; and the Local Government Act 1972, section 250(5).
- The application is made by the Durham City Council for a full award of costs against Mr W Fitzsimmons.
- The hearing was in connection with an appeal against an enforcement notice alleging the unauthorised erection of a partially constructed barn; and an appeal against the refusal of planning permission for the erection of an agricultural hay barn.

**Summary of Decision: The application fails and no award of costs is made.**

---

### **Costs Application A**

#### **The Submissions for Mr W Fitzsimmons**

1. The Council behaved unreasonably in refusing planning permission and taking enforcement action. They were provided with sufficient evidence of the need for a hay barn on the appeal site in a letter sent to them by Mr Fitzsimmons's agent on 8 June 2006. This gave details of the amount of hay produced on the holding, and the need to store this material under cover, so that it could be sold off during the winter to maximise the financial return.
  2. That evidence was submitted to the Council at a time when Mr Fitzsimmons thought that the proposed barn would constitute permitted development, falling within Class A of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Although he was mistaken on that point, that did not entitle the Council to disregard the evidence that had been submitted, which was in their possession when they considered the
-

subsequent planning application, and when they decided to initiate the enforcement proceedings.

3. In their letter to Mr Fitzsimmons's agent dated 24 October 2006, the Council enclosed a "layout plan showing the suggested position for the barn which was agreed with the applicant". On 6 November 2006, the application plan was amended to show the proposed barn in this agreed position. The partially erected barn, which is the subject of the enforcement notice, is also in this position. Having been given evidence of the need for the barn, and having agreed its location, it was unreasonable that the Council should have refused planning permission and issued the enforcement notice, thereby causing Mr Fitzsimmons to incur unnecessary expense.

#### **The Response by the Durham City Council**

4. The letter of 8 June 2006 from Mr Fitzsimmons's agent was not submitted in support of the present planning application, which it pre-dated. In any event, it did not provide conclusive evidence of the need for an additional barn on the smallholding, as required by Policy EMP17A of the City of Durham Local Plan.
5. In dealing with this matter, Council officers had had a number of discussions with Mr Fitzsimmons, in which they had been as helpful as possible in explaining the need for the proposed development to be fully justified. The Council's agreement to the site of the barn, as suggested in their letter of 24 October 2006, was contingent upon this development being fully justified. The letter stated that there was "... no written justification in terms of need with the application"; and it indicated that there would need to be "sound reasons as to why the barn is required ... substantiated with calculations".
6. In the absence of any justification which demonstrated that the storage space in the existing buildings on the appeal site was insufficient to serve the requirements of this holding, the Council had acted reasonably in refusing planning permission and taking enforcement action.

#### **Costs Application B**

##### **The Submissions for the Durham City Council**

7. Since submitting his appeals, Mr Fitzsimmons has produced evidence of the need for the barn, which had not been before the Council when they determined the planning application, or when they decided to take enforcement action. For instance, at the hearing, Mr Fitzsimmons explained that the existing buildings on the appeal site could not be used for hay storage, because that would invalidate his insurance. Had a full justification for the proposed barn been given at the outset, the Council may have concluded that this development accorded with development plan policy and granted permission, obviating the need for the hearing. Mr Fitzsimmons's failure to provide a full justification for the proposed development in support of his planning application had been unreasonable, and may have caused the Council to incur unnecessary expense in preparing for and attending the hearing.

##### **The Response for Mr W Fitzsimmons**

8. The Council had sufficient evidence to justify the proposed development when they decided to refuse planning permission and initiate enforcement

proceedings. Their own unreasonable decisions had caused the unnecessary expenditure.

### **Conclusions**

9. I have considered these applications for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeals, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur expense unnecessarily.
10. I do not accept that the Council's decisions to refuse planning permission and take enforcement action were unreasonable. Having considered the evidence presented at the hearing, I am not satisfied that the erection of a barn of the size proposed in the planning application, or of the size currently under construction, has been justified in accordance with the requirements of Policy EMP17A of the City of Durham Local Plan. I conclude that no award should be made in respect of Costs Application A.
11. It seems to that Mr Fitzsimmons attempted to provide a justification for the erection of an additional barn on his smallholding, prior to the Council's decisions to refuse planning permission and take enforcement action. In my view, the letter from his agent to the local planning authority of 8 June 2006 provides evidence of this. Additional information on this matter was introduced by Mr Fitzsimmons in response to questions asked at the hearing. This included his evidence that the existing buildings on the smallholding could not be used for the storage of hay because of the requirements of his insurers. However, I am not satisfied that he had deliberately withheld this evidence from the Council prior to their determination of his planning application and the service of the enforcement notice. To have done so would have been perverse and counter-productive. Although I am not satisfied that a barn of the size proposed has been justified, I do not accept that Mr Fitzsimmons has acted unreasonably. I conclude that no award should be made in respect of Costs Application B.

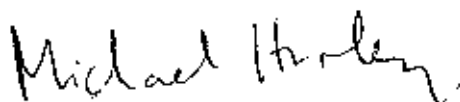
### **Formal Decisions**

#### **Costs Application A**

12. I hereby refuse the application for an award of costs.

#### **Costs Application B**

13. I hereby refuse the application for an award of costs.



**MICHAEL HURLEY**





# Appeal Decision

Site visit made on 16 July 2007

by **Alan Upward** BA(Hons) MCD 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 6377  
email: enquiries@urms.gov.uk  
gov.uk

Decision date:  
26<sup>th</sup> July 2007

**Appeal Ref: APP/Z1320/C/06/2038869**  
**9 Mount Joy Crescent, Durham City**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Phil McGowan against an enforcement notice issued by Durham City Council.
- The Council's reference is A1/287.
- The notice was issued on 24 January 2007.
- The breach of planning control as alleged in the notice is **without planning permission, the erection of a single storey flat roof rear extension.**
- The requirements of the notice are to **remove the new section of wall between the new gate and the gate to number 10 Mount Joy Crescent, which has been constructed with orange engineering bricks, and rebuild a wall using a brick to match the main dwellinghouse, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.**
- The period for compliance with the requirements is 3 months.
- The appeal was made on the grounds set out in section 174(2) (a), (b), (c) & (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the ground (a) appeal and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

**Formal Decision: I quash the enforcement notice.**

## The status of the notice

1. The notice requires both demolition of a section of walling constructed along the property boundary with a rear access way and its re-building with a different material. In relation to the second part it identifies a process for the submission and approval by the Council as local planning authority of a brick to be used. S173(3)-(4) of the 1990 Act requires a notice to specify the steps to be taken to achieve, wholly or partly, the purposes of remedying the breach of planning control, or any injury to amenity caused by it. Precision is essential in view of possible criminal proceedings under S179 for contravention of the notice. The process identified in this notice for the subsequent submission and approval of details introduces an unacceptable degree of uncertainty because the Appellant could not tell with reasonable certainty what steps he had to take to remedy the alleged breach.
2. The requirement to submit details of the brick is clear in itself, but the alleged breach will not be remedied by the submission of those details alone, whether approved or otherwise. The breach will only be remedied by the execution of the specified works,, which until the details are submitted, are unknown. It is only once the details have been submitted that the recipients of the notice can tell with any reasonable certainty what they have to do to remedy the alleged breach. However, it is not then the notice which is specifying the steps required to be taken, but the details required to be submitted. In these circumstances, the notice fails to comply with the mandatory requirement in section 173(3) of the 1990 Act, to specify the steps which the authority require to be taken.
3. The notice is also defective in failing to specify the period of time at the end of which the works set out in the details are to be done. S173(9) of the Act requires every notice to specify the period at the end of which any steps are required to have been taken. This notice does not do so in relation to the execution of details which have first to be submitted with no timescale for the approval process and no control over the approval process by the recipients.

4. Whilst variation of the requirements could deal with this kind of situation, the judgement in *Payne v NAW & Caerphilly CBC (QBD 5/1/05)* is clear authority for the view that all such notices are nullities because of the failure to comply with S1/3. As such there is no notice to correct or vary and no valid appeal. In these circumstances I shall quash the notice as a nullity.

*Alan Upward*

INSPECTOR





# Appeal Decision

Site visit made on 3 July 2007

by **Kevin Ward BA (Hons) 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 32 6372  
email: [enquiries@pirs.gsi.gov.uk](mailto:enquiries@pirs.gsi.gov.uk)

Date: 27 July 2007

---

**Appeal Ref: APP/Z1320/A/07/2038049**

**Shippon House, Smithy Farm, Old Cassop, Durham DH6 4QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gary Marshall against the decision of Durham City Council.
- The application Ref 4/06/01131/FPA, dated 7 November 2006, was refused by notice dated 4 January 2007.
- The development proposed is a garage, tool shed and log store.

---

## Decision

1. I allow the appeal and grant planning permission for a garage, tool shed and log store at Shippon House, Smithy Farm, Old Cassop, Durham DH6 4QA in accordance with the terms of the application Ref 4/06/01131/FPA, dated 7 November 2006 and the plans submitted with it, subject to the following conditions:
  - 1) 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.
  - 2) The garage hereby approved shall not be used for commercial purposes and shall not be used for the storage and parking of vehicles other than private motor vehicles relating to the use of the residential dwelling.

## Procedural Matter

2. I note from the statements submitted and from my site visit that work on the building has started in that a concrete base and block walling has been constructed. I have dealt with the appeal on this basis.

## Main Issue

3. The main issue is the potential effect of the proposed development on the character and appearance of the area.

## Reasons

4. Shippon House lies in the open countryside to the north of Old Cassop. It forms part of a group of residential and agricultural buildings immediately to
-

the north east of the A181. There is a number of such small groups of buildings in the wider area.

5. The proposed building would be sited in the garden of Shippon House. The garden is mainly bounded by fencing. There is a short stretch of stone wall from the house along the road frontage. In visual terms the garden is clearly associated with the group of buildings rather than the surrounding agricultural land.
6. The location of the site at the foot of a steep slope and the nature of surrounding topography mean that views of the proposed building would be very limited. Views would be further obscured by Shippon House itself and other buildings in the group. Limited, short distance views of the proposed building would be gained from the west although it would be seen against the backdrop of other buildings. The clearest views would be from the south and south west however the proposed building would be seen as part of the group of buildings and would not be unduly prominent in the landscape.

### **Conditions**

7. The Council has suggested a number of conditions should the appeal be allowed. I agree that a condition is required to control the external materials used in the interests of the character and appearance of the area although I have altered the suggested wording to reflect the advice in Circular 11/95. I also agree that a condition is needed to ensure that the use of the building would be related to the existing dwelling and that it would not be used for commercial purposes. As some works have already taken place, a commencement condition is not required in this case. Given that the proposed development relates solely to the construction of a new building and the existing access to it is not prominent, I consider that a condition relating to the surface treatment of vehicle hard-standing areas is neither necessary nor relevant. The planning permission would relate to the approved plans and the Council could take action against any departure from them. A condition relating to compliance with approved plans is therefore not required.

### **Conclusion**

8. The proposed building would be within the garden of Shippon House and be viewed as part of the existing group of buildings and not as an encroachment into the open countryside. It would not be in a prominent location. I conclude that the proposed development would preserve the character and appearance of the area in accordance with the aims of Policy E7 of the City of Durham Local Plan and that the appeal should succeed.

*Kevin Ward*

INSPECTOR



# Appeal Decision

Site visit made on 2 July 2007

by **Jacqueline North** BSc MSc

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

The Planning Inspectorate  
4/11 Sage Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6377  
✉ [enquiries@pi.dms.gcs.gov.uk](mailto:enquiries@pi.dms.gcs.gov.uk)  
© 2007

Date: 24 July 2007

---

## Appeal Ref: APP/Z1320/A/07/2041029 adjacent to 224 Finchale Road, Durham, DH1 5QP

- 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 Kingswood Properties Ltd against the decision of Durham City Council.
- The application Ref 4/06/01041, dated 1 October 2006, was refused by notice dated 19 December 2006.
- The development proposed is one new house.

---

### Decision

1. I dismiss the appeal.

### Procedural Matters

2. There is another appeal ref: APP/Z1320/A/07/2034470 in progress for an application for two dwellings on land adjacent to 224 Finchale Road. This decision is regarding a subsequent appeal, although the house which is the subject of this appeal was also included as part of the earlier appeal scheme.

### Main Issue

3. I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The proposed development is a detached two storey house on land between Nos. 224 and 222 Finchale Road, Newton Hall, Durham. Newton Hall is a large, modern residential estate. The existing street scene is characterised by detached dwellings with their longest elevation facing the road, all set back an equal distance from Finchale Road and with a reasonable amount of separation between the houses. There are a number of mature trees in the garden of No. 224 and adjoining areas that are included within the Newton Hall Tree Preservation Order. These trees contribute to a mature, well established character to the area. The gaps between the houses help create a feeling of spaciousness on the estate.
5. The proposed new dwelling would fill in the gap between Nos. 224 and 222. It would be of a similar size as the adjoining dwellings although it would be

slightly taller. The new house would be orientated differently to the existing houses as it would have a gable end facing onto Finchale Road.

6. In my opinion the new dwelling would appear as an incongruous addition to the street scene, out of character with the established pattern of development due to this orientation and the lack of space between the proposed new house and those on either side. The scale and design would not integrate well with the existing established character and appearance of the area. I consider that this would not comply with Policy Q8 of the City of Durham Local Plan (LP) adopted in May 2004. Policy Q8 requires new development to be appropriate in scale, form, density and materials to the character of its surroundings.
7. In reaching this decision I have noted that the proposed house was similar in scale to those existing, with matching windows and roof pitch and that a number of houses on the estate had side extensions which reduced the gap between dwellings but this did not persuade me to allow a proposal I have found to be harmful to the character and appearance of the area.

*Jacqueline North*

INSPECTOR



# Appeal Decision

Site visit made on 2 July 2007

by **Jacqueline North** BSc MSc

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.gov.uk](mailto:enquiries@pins.gov.uk)  
ov.uk

Date: 6 August 2007

---

**Appeal Ref: APP/Z1320/A/07/2036165**

**Land east of Avenue House, High Shincliffe, Durham, DH1 2PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Watson against the decision of Durham City Council.
- The application Ref 4/06/00682/FPA, dated 5 July 2006, was refused by notice dated 30 August 2006.
- The development proposed is erection of a detached dwellinghouse with garage.

---

## Decision

1. I dismiss the appeal.

## Procedural Matters

2. The appellant submitted revised plans Drawings No. 1, 2, 3, 4 and 5 labelled revised April and June 2006. These were the plans before the Council when it refused permission for the proposed development therefore I shall use these plans for the purpose of determining this appeal.

## Main Issues

3. I consider the main issues to be the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupiers of 54 Telford Close with particular regard to potential overlooking.

## Reasons

4. The appeal site is located within High Shincliffe, a village approximately three miles to the south east of Durham City. It comprises an area of land used as an orchard lying to the rear of Avenue House and Park House and adjacent to Whitwell Acres, one of the access roads into the Village. The division between the existing domestic dwellings and the application site is defined by a high brick wall, other boundaries are fenced. The main access to the site is via a gate facing onto Whitwell Acres.
  5. Dealing with the first issue, the appeal site is in a prominent position, visible from one of the main access roads into High Shincliffe. It is bordered to the west and south by modern estate housing, to the north by the road and to the east by Avenue House and Park House. It is open in character with a number of mature trees on the boundary and small fruit trees within the site. In my view the site is an important green space which separates the older dwellings
-

Avenue House and Park House from the more modern Telford Close development and contributes positively to the character of the settlement by virtue of its open character and orchard trees. Therefore I consider that the new dwelling would not accord with Policies H3 and E5a of the City of Durham Local Plan (LP) adopted in May 2004 which do not permit development that would detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character. Furthermore the fact that the site is fully enclosed with its own access gives the appeal site the appearance of a separate and distinct open parcel of land and adds weight to my findings on this issue.

6. Turning to the second issue, No. 54 Telford Close has a number of habitable rooms to the rear, at both ground and first floor levels. The LP requires that new houses are designed to ensure the privacy of the occupants and to prevent overlooking. Paragraph 12.32 of the LP states that a separation distance of 21m is required between windows of habitable rooms. The proposed dwelling would be 19m away from No. 54 Telford Close and in an elevated position. In my opinion this separation distance is insufficient to prevent a degree of overlooking into the rear bedroom windows of the adjoining house. I consider that this would be harmful to the level of residential amenity that the occupiers of No.54 should reasonably expect to enjoy and would not accord with the requirements of LP Policy Q8 which seeks, inter alia, to minimise the impact of development proposals upon the occupants of existing nearby properties.

#### **Other Matters**

7. I acknowledge the definition of previously developed land in Annex B of Planning Policy Statement 3(PPS): Housing but also note that the definition includes a statement that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. Therefore whether the site is considered to be previously developed land or not would not alter my decision on this appeal.
8. Local residents raised concerns regarding the use of the proposed access onto Whitwell Acres but I note that the County Council's Highway Development Control Officer considered that the proposal was acceptable provided that access was constructed to the County Council's standards and a new footway provided.
9. There was a previous planning permission dating from 1988 for a dwelling at this site but this permission is no longer extant and the application was dealt with under a different policy basis and therefore I have given that permission little weight in reaching my decision. The appellant raised concerns regarding the manner in which the application was handled. The Council determined the planning application according to the requirements of an adopted delegated powers procedure.

*Jacqueline North*

INSPECTOR

**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 20 July 2007**

**WEEK NO.26/2007**

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

Number and Applicant	Location	Proposal
07/00443/FPA Mr A Warrilow	24 Hall Gardens Sherburn Durham DH6 1EB	Erection of two storey pitched roof extension to side of existing dwelling, and detached pitched roof single garage
07/00479/LB All Facilities Services Plc	Royal County Hotel Old Elvet Durham DH1 3JN	Erection of pitched roof to existing pump house and erection of pitched roof timber clad water storage tank on west elevation of existing building together with associated internal alterations to provide fire protection sprinkler system
07/00480/FPA All Facilities Services Plc	Royal County Hotel Old Elvet Durham DH1 3JN	Erection of pitched roof to existing pump house and erection of pitched roof timber clad water storage tank on west elevation of existing building

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

Number and Applicant	Location	Proposal
*07/00457/FPA V Arceri	Emilios Restaurant 96 Elvet Bridge Durham DH1 3AG	Refurbishment of existing shopfront, including alterations to pilasters, doors, glazing and fascias, and insertion of folding french doors
*07/00471/FPA Mr P Shah	10 Dryburn Hill Durham DH1 5AE	Erection of conservatory to rear elevation of existing dwelling

#07/00481/LB Durham University	City Wall To West Of 12A South Bailey Durham DH1 3EE	Partial demolition of existing wall and re-building of parapet together with re-bedding of upper two courses along a 10 meter length of the wall
*07/00497/FPA Mr Przyborski	3 Foxton Way High Shincliffe Durham DH1 2PJ	Erection of single storey pitched roof extension to rear of existing dwelling
07/00500/FPA Mr Cook	4 Nuns Row Gilesgate Durham DH1 1HG	Erection of two storey pitched roof extension to side elevation of existing dwelling and erection of single storey pitched roof extensions to the front and rear
07/00519/FPA Ms A Hammond	East House Farm Coxhoe Durham DH6 4PB	Erection of two storey pitched roof extension to front, side and rear of existing dwelling and erection of single storey front extension
*07/00528/LB Mr J Marshall	34 Old Elvet Durham DH1 3HN	Internal and external alterations involving two storey extension to rear elevation in connection with change of use of building to bed and breakfast
*07/00530/FPA Mr J Marshall	34 Old Elvet Durham DH1 3HN	Change of use of existing building to bed and breakfast together with erection of two storey pitched roof extension to rear, and demolition of existing detached timber building with replacement timber lodges providing additional accommodation
*07/00546/TPO Mandale Commercial Ltd	Land At Providence Row Providence Row Durham	Pruning of 2 no. copper beech trees



07/00555/FPA  
Mr Anderson

66 Beechfield Rise  
Coxhoe  
Durham  
DH6 4SD

Demolition of existing  
conservatory and erection of  
single storey pitched roof  
extension to rear of existing  
dwelling

07/00556/FPA  
Mr And Mrs Pearson

8 Lowland Road  
Brandon  
Durham  
DH7 8NN

Erection of pitched roof over  
existing garage

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

Number and Applicant	Location	Proposal
07/00646/PNA Mr J Taylor	Low Raisby Farm Kelloe Durham DH6 4PW	Prior notification for agricultural storage building

\* Determined under Chairman and Vice Chairman Delegated Authority

# To be ratified by G.O.N.E



**Applications recommended for refusal – reasons**

4/07/00443/FPA

The proposed two storey extension to dwelling is considered to be of an inappropriate scale, failing to remain subordinate and sympathetic to main dwelling and as a result considered to be contrary to the requirements of Policies Q9 and E22 of the City of Durham Local Plan 2004.

The proposed detached garage with driveway length of just 1m is considered to provide insufficient parking provision to the detriment of highway safety. The proposal is therefore considered to be contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.

4/07/00479/LB

The proposals are not sympathetic to the character and appearance of the Listed Building and therefore do not accord with Policy E23 of the City of Durham Local Plan 2004.

4/07/00480/FPA

The proposals are not sympathetic to the character and appearance of the Listed Building and therefore do not accord with Policy E23 of the City of Durham Local Plan 2004.



**Applications recommended for conditional approval – conditions**

4/07/00457/FPA

T1            Time Limit Full Approval 2004  
DT30        Shopfront Joinery Details

Notwithstanding the information shown on the accompanying plans, full details of the proposed menu panels to the front elevation shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Notwithstanding the information shown on the accompanying plans, full details of the proposed external illumination and light fittings shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Notwithstanding the information shown on the accompanying plans, full details of the proposed signage at first floor level to the front elevation shall be submitted to and approved in writing by the Local Planning Authority before development commences.

4/07/00471/FPA

T1            Time Limit Full Approval 2004  
DT3        Finish of Materials  
DT19       Obscure Glazing

4/07/00481/LB

T1            Time Limit Full Approval 2004

Notwithstanding the information given in the accompanying plans, no development shall take place until the applicant has secured a full written evaluation of the age and significance of the all which will be submitted to and approved in writing by the Local Planning Authority before development commences.

Notwithstanding the information given in the accompanying plans, a proposed method of treatment to the wall during and after construction including proposed treatment of the top core to avoid water penetration shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Notwithstanding the information given in the accompanying plans, details of the proposed mortar mix and finish shall be submitted to and approved in writing by the Local Planning Authority before development commences.

4/07/00497/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00500/FPA

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

A scheme for off street parking spaces for two vehicles shall be provided within the residential curtilage to the front of the property. The scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with that agreed scheme.

4/07/00519/FPA

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

4/07/00528/LB

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT11 Fenestration Details  
DT12 Windows in Reveal  
DT16 Dry Pointed Verges  
DT31 Rainwater Goods  
LA5 Protection of Trees Hedges during Const  
LA4 Retention of Existing Trees and Hedges

Notwithstanding the information shown on the accompanying plans, full details of the foundations to the timber lodges buildings shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the accompanying plans, details of the design of the proposed railings to the front elevation shall be submitted at scale 1:10 and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

4/07/00530/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT11 Fenestration Details  
DT12 Windows in Reveal  
DT16 Dry Pointed Verges  
DT31 Rainwater Goods  
LA4 Retention of Existing Trees and Hedges  
LA5 Protection of Trees Hedges during Const

Notwithstanding the information shown in the accompanying plans, full details of the foundations to the timber lodge buildings shall be submitted to and approved in writing by the local planning authority before development commences.

Notwithstanding the information shown in the accompanying plans, full details of the proposed railings to the front elevation shall be submitted at scale 1:10 and approved in writing by the local planning authority before development commences.

4/07/00546/TPO

The development to which this permission relates shall be begun not later than two years from the date of this permission.

All works must be undertaken by a qualified and experienced arborist, and must conform to BS3998:1989, where achievable.

The following mitigation measures must be carried out under the supervision of a fully qualified arborist prior to commencement of the pruning works:

- using a probable, inject compressed gases into the soil to form fissures, and increase percolation of water and essential nutrients to and around the roots.

- inject mychorrizal fungi into soil around the trees roots.

4/07/00555/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

4/07/00556/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials





**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 26 July 2007**

**WEEK NO. 27/2007**

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

Number and Applicant	Location	Proposal
07/00380/FPA Mr S Grierson	Gardeners Cottage Sheraton Park Estate Darlington Road Durham DH1 4PH	Erection of two storey extension, with pitched roofs to side of existing dwelling
*07/00548/FPA S Bulmer	40 Neil Crescent Quarrington Hill Durham DH6 4QX	Erection of two storey pitched roof extension with first floor balcony to rear
*07/00552/FPA Mr And Mrs M Smith	15 Baliol Square Durham DH1 3QH	Erection of first floor pitched roof extension to front of existing dwelling, erection of single storey pitched roof extension to side and two storey pitched roof extension to rear
07/00622/FPA Mr D Frankland	Three Horse Shoes Pit House Lane West Rainton Houghton-Le-Spring Tyne And Wear DH4 6QQ	Erection of flat roof extension and pitched roof entrance lobby to rear elevation of existing public house

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

Number and Applicant	Location	Proposal
07/00368/FPA Mr A Thompson	Beaumont House Kimbleworth Grange Kimbleworth Durham DH2 3QS	Erection of conservatory to side of existing dwelling

07/00386/LB Sportswift T/A Card Factory	21 Market Place Durham DH1 3NJ	Alterations to front elevation in relation to proposed advertisement, and internal alterations including erection of suspended ceiling and stud partition wall at ground floor level
07/00429/FPA Mr H Walker	Court Inn Court Lane Durham DH1 3AW	Erection of smoking canopy to rear of existing public house
*07/00509/AD Top Gear Karting	Unit 13 Rennys Lane New Durham Durham DH1 2RS	Retention of 2 no. non illuminated advertisements to rear elevation of existing building
*07/00518/FPA Mrs J Crilley	7 Lady Durham Close Sherburn Durham DH6 1RW	Erection of single storey pitched roof extension to front of existing dwelling
07/00525/FPA University Of Durham	Department Of Geography South Road Durham DH1 3LS	Erection of additional first floor level to existing flat roof building
07/00532/FPA Hope Estates Ltd	51 Hawthorn Terrace Durham DH1 4EQ	Erection of two and single storey pitched roof extensions to rear elevation of existing dwelling
07/00537/FPA Ridley Properties	Bridge House Framwellgate Bridge Durham DH1 4SJ	Subdivision of existing shop unit into 2 no. retail units, with erection of new shopfront and replacement of UPVC windows to all elevations at first, second and third floors
07/00540/FPA Mr J Holmes	12 West Farm Court Broompark Durham DH7 7RN	Removal of existing conservatory and erection of single storey pitched roof extension to rear of existing dwelling
07/00541/FPA E McLoughlin And I Deverall	Land Adjacent 1 Park View Witton Gilbert Durham DH7 6TH	Change of use to private garden including erection of 1 metre high railings

07/00554/AD CWS Retail Financial Services	25 Gilesgate Durham DH1 1QW	Erection and display of 1no. externally illuminated timber fascia sign and 1no. internally illuminated projecting sign (Revised description)
07/00557/FPA Mrs P A Nelson	1 Aldin Grange Hall Bearpark Durham DH7 7AR	Erection of first floor pitched roof extension to rear of existing dwelling and erection of replacement porch to front
07/00559/FPA Mr A White	6 Hallgarth Lane High Pittington Durham DH6 1AE	Demolition of existing conservatory and erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00560/FPA Mrs H Dale	36 Park Hill Coxhoe Durham DH6 4JH	Erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00561/FPA Mrs Y O'Connell	17 Copperfield Merryoaks Durham DH1 3QT	Erection of single storey pitched roof extension to rear elevation of existing dwelling
07/00562/FPA Taylormade Timber Products Ltd	Taylormade Timber Products Sherburn Hill Durham DH6 1PS	Erection of single storey pitched roof extension to existing treatment building
07/00567/FPA Mr K Madison	53 Canterbury Road Newton Hall Durham DH1 5PY	Erection of single storey flat roof extension to front of existing garage
*07/00583/FPA Anduff Holdings Ltd	Tesco Stores Ltd Petrol Filling Station Rennys Lane Dragonville Industrial Estate Durham	Demolition of existing car wash facilities, and erection of enclosed conveyor car wash
07/00588/FPA Mr And Mrs Burns	33 Rowan Drive Brasside Durham DH1 5YE	Demolition of existing offshot and erection of conservatory to rear elevation of existing dwelling

07/00617/LB  
Mr B Johnson

High Wooley Farm House  
Stanley  
Durham  
DL15 9AP

Installation of 3 no.  
conservation style rooflights  
to front elevation of existing  
dwelling

07/00627/AD  
Ridley Properties

Units 1,2 And 3 Bridge  
House  
Framwellgate Bridge  
Durham  
DH1 4PW

Erection and display of shop  
fascia sign

\* Determined under Chairman and Vice Chairman Delegated Authority

**Applications recommended for refusal – reasons**

4/07/00380/FPA

The proposed extensions to the building propose a dwelling with a level of accommodation out of scale with its curtilage, compromises the privacy and amenity adjacent residents could reasonably expect to enjoy, does not provide an acceptable level of privacy and amenity for prospective residents, contrary to Policy Q9 of the City of Durham Local Plan, 2004.

The proposed extensions to the building, and the palette of materials proposed change the scale and character of the original building to a degree considered unacceptable in relation to Policy Q9 of the City of Durham Local Plan, 2004, with the massing, elevational treatment, detailing and materials proposed losing the character of the original structure, and therefore the link to the remaining original traditional buildings on the wider development site.

4/07/00548/FPA

The Local Planning Authority considers that the proposed two storey pitched roof extension to the rear of the existing dwelling represents a form of development which is neither subordinate nor is it sympathetic to the main host property and the character of the wider area by virtue of its size, scale, height, eaves line and detailed design. This is contrary to the requirements of Policy Q9 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that the proposed two-storey rear extension by virtue of its size, scale and massing, accentuated by the slope of the site, to be overbearing and visually intrusive to the detriment of the amenities that adjoining residential occupiers could reasonably expect to enjoy, thus contrary to Policy Q9 of the City of Durham Local Plan 2004.

4/07/00552/FPA

The Local Planning Authority considers that the scale and massing of the proposed extensions when considered against the host property, the existing extensions and surrounding streetscene results in an inappropriate form of development, contrary to Policy Q9 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that the proposed two storey rear extension would, by virtue of its scale and massing, adversely affect the residential amenity that the adjoining occupiers could reasonably expect to enjoy, contrary to Policy Q9 of the City of Durham Local Plan 2004.

4/07/00622/FPA

The Local Planning Authority considers that the proposed extension to an existing public house would represent inappropriate and therefore harmful development within the Durham City Green Belt and is contrary to Planning Policy Guidance Note 2: Green Belts and Policy E1 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that, by virtue of the proposed flat roof nature of the proposed extension, it would fail to have regard to the architectural character of the host building, contrary to Planning Policy Statement 1: Delivering Sustainable Development.

**Applications recommended for conditional approval – conditions**

4/07/00368/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT5 Materials Sample  
DT11 Fenestration Details  
DT7A Complete Accord

4/07/00386/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 application details of all materials used internally and the standard of their finish should 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.

Notwithstanding the information shown on the submitted application precise details of the proposed design, location and method of attachment for the proposed electrical wiring, connections and sockets shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted application details of the luminaries/light fittings proposed shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted application, precise details of the proposed method of attachment for the flooring to the ground floor 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.

Notwithstanding the information shown on the submitted application, precise details of the proposed method of attachment for the wall display units ('slat-walling units') and wall treatments (including treatment to columns) 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.

Notwithstanding the information shown on the submitted plan full joinery details for all

associated joinery works drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, full details of the proposed fire detection and alarm system, to include details of cable runs, methods of attachment, materials, fire doors and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, full details of the proposed stud walling partitions including their method of attachment and exact location, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, full details of the proposed ventilation for the first floor toilets including their method of attachment and exact location, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, full details of the proposed hand dryer, kitchen units and 'first floor docking station' including the method of attachment and exact location, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, details of all door furniture to be used and the standard of finish, shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans, full details of the proposed treatment to the existing shop frontage, to include proposed colour, glazing treatments and treatment to stall-risers, 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.

Notwithstanding the information shown on the submitted plans, full details of the proposed CCTV system to include proposed design, style, location, method of attachment and connections, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

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 sign written and painted by hand.



4/07/00429/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00509/AD

TL3 Advert Approvals

4/07/00518/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00525/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT5 Materials Sample  
LA2 Landscaping Scheme Full Reserved Matter  
DT7A Complete Accord

4/07/00532/FPA

T1 Time Limit Full Approval 2004  
DT5 Materials Sample  
DT12 Windows in Reveal  
DT34A Timber Windows  
DT35A Slates  
DT7A Complete Accord

4/07/00537/FPA

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

4/07/00540/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00541/FPA

T1 Time Limit Full Approval 2004  
DT8 Enclosure Details to be Agreed

4/07/00554/AD

TL3            Advert Approvals  
DT7A          Complete Accord  
R18            Visual Amenity  
R17            Residential Amenity

Notwithstanding the information shown on the submitted application, details of the intensity of the illumination proposed 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.

The illuminated advertisement signs hereby approved shall be illuminated only during the business hours of the premises.

4/07/00557/FPA

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

4/07/00559/FPA

T1            Time Limit Full Approval 2004  
DT3          Finish of Materials  
DT19         Obscure Glazing

4/07/00560/FPA

T1            Time Limit Full Approval 2004  
DT3          Finish of Materials

4/07/00561/FPA

T1            Time Limit Full Approval 2004  
DT3          Finish of Materials

4/07/00562/FPA

T1            Time Limit Full Approval 2004

4/07/00567/FPA

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

4/07/00583/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT10 Hardstanding Surface Materials

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the information on the approved plans, which refers to existing and new advertisement signage, this approval does not grant consent for any such advertisements.

4/07/00588/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials  
DT19 Obscure Glazing  
DT7A Complete Accord  
R7 Complete Accord

4/07/00617/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 precise details of the proposed roof lights (to include details of scale and design) shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

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

Notwithstanding the information shown on the submitted plans precise details of the proposed treatment to the roof structure shall be submitted to the Local Authority and approved in writing before the development commences and thereafter implemented in accordance with the approved scheme.

4/07/00627/AD

TL3 Advert Approvals



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 2 August 2007**

**WEEK NO.28/2007**

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

Number and Applicant	Location	Proposal
*07/00460/FPA Mr S Williams	Land Adjacent 5 Mayorswell Field Durham DH1 1JW	Erection of end terrace, two storey dwelling house (amended and resubmitted)
07/00520/FPA Mr T Graham	1 High View Ushaw Moor Durham DH7 7QQ	Change of use and conversion of existing shop to 2 no. residential dwellings
*07/00619/FPA Mr D Mobbs	2 Cooks Cottages Ushaw Moor Durham DH7 7PH	Retention of raised decking with balustrade and associated staircase to rear of existing dwelling
07/00626/FPA Mr C R Beddoes	12 Beaver Close Pity Me Durham DH1 5GS	Erection of two and single storey pitched roof extensions to front, side and rear of existing dwelling

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

Number and Applicant	Location	Proposal
*07/00003/FPA Mr G Nelson	Land At Half Way House Hartside Durham DH1 5RF	Erection of two storey office and store
*07/00312/FPA Mr P Reilly	West Farm Sunderland Bridge Durham DH6 5HD	Partial demolition of existing barns and rebuilding to form 2 no. dwellings
07/00325/FPA Mr W J Adamson	11 The Crescent Sherburn Durham DH6 1EJ	Erection of single storey pitched roof extension to rear elevation and rear patio area and erection of double detached garage at rear of

		existing dwelling
07/00487/AD A S Watson	Unit SU23 Prince Bishops High Street Durham DH1 3UJ	Retention of non illuminated fascia sign to front of existing building
07/00544/FPA Mr E Llewelin	4 Robson Terrace Shincliffe Durham DH1 2NL	Erection of single storey pitched roof extension and dormer window to rear elevation of existing dwelling
07/00549/FPA Mr Hall	3 Donnini Place Gilesgate Durham DH1 1ES	Erection of two and single storey extensions to rear of existing dwelling
07/00572/CAC Mr J Marshall	34 Old Elvet Durham DH1 3HN	Conservation Area Consent for demolition of existing detached timber building in connection with the erection of timber lodges
07/00576/FPA Mr Myers	Unit 2 Bowburn North Industrial Estate Bowburn Durham DH6 5PF	Change of use to service/repair of motor vehicles, with retail sales of spare parts, with associated new car park and external alterations to building
07/00580/FPA Mrs J Brown	Summer Meadows Goatbeck Terrace Langley Moor Durham DH7 8JJ	Retention of garden wall
07/00594/FPA Mr J And Mrs C Stoker	10 Littlebridge Court Framwellgate Moor Durham DH1 5FW	Conversion of garage with insertion of bow window, demolition of existing conservatory and offshot and erection of single storey pitched roof extension to rear of existing dwelling
07/00598/FPA Mr G Kirkup	1 Priestburn Close Esh Winning Durham DH7 9NF	Erection of two storey pitched roof extension to side, canopy roof and bay window to front, and single storey pitched roof extension to rear

*07/00600/FPA Marstons PLC	The Newton Grange Finchale Road Newton Hall Durham DH1 5SA	Erection of proposed childrens play area and play equipment
*07/00601/FPA Mr And Mrs J Wilkinson	8 Lowes Rise The Downs Durham DH1 4NS	Erection of single storey pitched roof extension to rear elevation and erection of dormer window to front elevation of existing dwelling (revised and resubmitted)
07/00604/FPA Mr D Openshaw	11 Lyndhurst Drive Durham DH1 4AE	Erection of first floor pitched roof extension to rear of existing dwelling
07/00612/FPA Mr C P Burns	Hirds House 8 North Street West Rainton Durham DH4 6NU	Change of use of agricultural land to domestic garden
07/00613/FPA Theakston Estates Ltd	43-44 Saddler Street Durham DH1 3NU	Change of use of ground (street level), first, and second floors from A2 (office) to A4 (drinking establishment) use
*07/00615/VOC Durham Archery Lawn Tennis Club	Durham Archery Lawn Tennis Club Clay Lane Durham DH1 4QL	Variation of condition to extend use of existing floodlights until 22:00
*07/00620/AD CWS Retail Financial Services	Co Op Funeral Service 98 Gilesgate Durham DH1 1JA	Erection and display of 2no. non illuminated advertisements to front elevation of existing building and 2no. non illuminated pole mounted advertisements
07/00656/FPA Mr And Mrs Parker	4 Springfield Park Durham DH1 4LS	Erection of single storey pitched roof extension to side of existing dwelling

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

Number and Applicant	Location	Proposal
#07/00705/CM Northumbrian Water Ltd	Barkers Haugh S T W Frankland Lane Durham DH1 5TA	Erection of 2.4 high palisade fence to perimeter of existing sewage treatment plant

# Raise no objection subject to the colour of the fence being drab olive green and minimal distribution is caused to the existing trees and vegetation.

\* Determined under Chairman and Vice Chairman Delegated Authority



**Applications recommended for refusal – reasons**

4/07/00460/FPA

In the opinion of the Local Planning Authority the massing and scale of the proposed new dwelling in addition to the topographical difference in levels in the street scene will detract from the residential amenity of a nearby dwelling and lead to a development that is overbearing in scale and proximity. The proposed development is therefore contrary to Policies Q8 and H2 of the City of Durham Local Plan 2004.

In the opinion of the Local Planning Authority the proposed development is considered to detract from the character and appearance of the City of Durham Conservation Area due the massing and scale of the dwelling having an overbearing visual character within the street scene. In addition the details of the loss of the front boundary wall to the dwelling and the position of the door also erodes the character and appearance of this Conservation Area. The proposed development is therefore considered to be contrary to Policy E6 and E22 of the City of Durham Local Plan 2004.

4/07/00520/FPA

The Local Planning Authority considers that the proposed dwellings would compromise the level of residential amenity that the occupiers of existing and proposed surrounding accommodation should reasonably expect to enjoy, contrary to Policies H13 and Q8 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that the proposed dwellings would not be afforded a level of privacy and amenity space which prospective occupiers should reasonably expect to enjoy, contrary to Policy Q8 of the City of Durham Local Plan 2004.

4/07/00619/FPA

The proposed decking by virtue of its height and location would lead to a significant loss of privacy to neighbouring properties. Furthermore, the design of the decking is unacceptable, appearing as a prominent large and unsightly structure within the immediate streetscene, contrary to Policy Q9 of the City of Durham Local Plan 2004.

4/07/00626/FPA

The proposal incorporates two and single storey extensions which are cumulatively considered to be of a scale that fails to remain sympathetic to main dwelling and as a result found to be contrary to Policy Q9 of the City of Durham Local Plan 2004.

**Applications recommended for conditional approval – conditions**

4/07/00003/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials

The approved buildings shall only be used in connection with the business of Nelson's Removals, operating from The Bungalow, Hartside, unless grant of further specific consent granting otherwise.

Before development is commenced a parking layout for the site must be prepared, submitted to, and approved in writing by the Local Planning Authority, with the subsequent operation of the business being carried out in accordance with said plan.

No security gates shall be erected across the vehicular entrances to the site without the written consent of the Local Planning Authority, or without the grant of further specific consent as appropriate.

Before development commences the hours of working within the completed approved buildings must be agreed in writing by the Local Planning Authority.

4/07/00312/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord  
DT4 External Materials  
DT5 Materials Sample  
DT8 Enclosure Details to be Agreed  
DT10 Hardstanding Surface Materials  
DT11 Fenestration Details  
DT12 Windows in Reveal  
DT15 Roof Details  
DT16 Dry Pointed Verges  
DT28 Flues Vents and Extracts  
LA2 Landscaping Scheme Full Reserved Matter

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

4/07/00325/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials

DT7A Complete Accord  
DT19 Obscure Glazing  
RU4 Use as Private Garage Only

4/07/00487/AD

No element of illumination shall be built into or erected around the signage approved through this application.

4/07/00544/FPA

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

4/07/00549/FPA

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

4/07/00572/CAC

T1 Time Limit Full Approval 2004

4/07/00576/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT10 Hardstanding Surface Materials

The use of the premises hereby approved shall not commence until the vehicle parking proposed on drawing No. BB/1 has been implemented in accordance with that plan. The parking area shall be retained thereafter.

No vehicles being serviced/repaired at the premises shall be stored on the highway.

4/07/00594/FPA

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

4/07/00598/FPA

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

4/07/00600/FPA

T1 Time Limit Full Approval 2004

No development shall be commenced until precise details of the height and type of the fencing have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be implemented in accordance with the agreed fencing details.

No development shall be commenced until precise details of the height, size and design of the slide unit has been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be implemented in accordance with the agreed details.

4/07/00601/FPA

DT3 Finish of Materials

DT7A Complete Accord

4/07/00604/FPA

T1 Time Limit Full Approval 2004

DT4 External Materials

DT7A Complete Accord

R7 Complete Accord

4/07/00612/FPA

T1 Time Limit Full Approval 2004

DT8 Enclosure Details to be Agreed

PD2 Removal of PD Outbuildings

4/07/00613/FPA

T1 Time Limit Full Approval 2004

Before the approved Change of Use is implemented, the agreement of the Local Planning Authority must be obtained in writing for the hours of opening of any business(es) operating from the specified floors within 43-44 Saddler Street.

4/07/00615/VOC

The extension to the hours of use of the floodlighting hereby approved may only be implemented once the floodlighting has been directed so as to avoid direct light into neighbouring residential dwellings, and has been fitted with shrouds to further avoid such light spill. Approval for the extended hours of operation is only valid whilst these circumstances are in place.

4/07/00620/AD

TL3            Advert Approvals

DT7A          Complete Accord

4/07/00656/FPA

T1            Time Limit Full Approval 2004

DT4          External Materials

**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 8 August 2007**

**WEEK NO. 29/2007**

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

Number and Applicant	Location	Proposal
07/00628/FPA Mr K Platts	14 Cambridge Terrace Bowburn Durham DH6 5AY	Loft conversion including erection of flat roof box dormer to rear elevation of existing dwelling

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

Number and Applicant	Location	Proposal
*07/00577/FPA Mr Cunningham	Grove Farm Leemans Lane Hett Durham DH6 5LW	Erection of single storey pitched roof extension to side elevation of existing dwelling
*07/00605/FPA Mr P Smith	Britannia Inn 85 Gilesgate Durham DH1 1HY	Change of use and conversion of existing public house and associated residential accommodation to form 1no. dwellinghouse, with erection of single storey pitched roof extension to rear elevation
07/00614/FPA J Little	16 Canterbury Road Newton Hall Durham DH1 5PX	Erection of conservatory to rear of existing dwelling
*07/00624/FPA Belmont Working Mens Club	Belmont Working Mens Club & Institute Ltd High Street Carrville Durham DH1 1AJ	Erection of smoking shelter to front elevation of existing building

07/00653/AD Pagebet Bookmakers Ltd	7 Cheveley Park Shopping Centre Belmont Durham DH1 2AA	Erection of illuminated fascia sign, with lettering only illuminated
07/00664/TPO Mr S Best	Oribi Potters Bank Durham DH1 3RR	Crown-cleaning, removal of deadwood, limb removal and pruning of 5 no. trees
*07/00669/FPA Mr And Mrs R Henderson	Land Between 26 And 27 Station Road West Rainton Tyne And Wear	Erection of detached dwellinghouse (revised and resubmitted)
*07/00671/FPA Mr D And Mrs B Hodgson	88 Ashbourne Drive Coxhoe Durham DH6 4SP	Erection of single storey pitched roof extension to rear of existing dwelling

\* Determined under Chairman and Vice Chairman Delegated Authority



## **APPENDIX A**

**City of Durham  
Applications Determined Under Plenary Powers  
Printed on 8 August 2007  
Week No.29/2007**

### **Applications recommended for refusal – reasons**

4/07/00628/FPA

The proposed dormer, incorporating a flat roof and with a height matching the ridge of the main dwelling is considered to be inappropriate in design terms and therefore contrary to the requirements of Policy Q10 of the City of Durham Local Plan 2004.



## APPENDIX B

City of Durham  
Applications Determined Under Plenary Powers  
Printed on 8 August 2007  
Week No.29/2007

### **Applications recommended for conditional approval – conditions**

4/07/00577/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
LA5 Protection of Trees Hedges during Const

4/07/00605/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord  
DT4 External Materials  
DT12 Windows in Reveal  
DT11 Fenestration Details

The existing boundary wall between the development site and 83 Gilesgate must be retained at its present height, or replaced to a height and specification to be agreed in writing with the Local Planning Authority, before the development commences or any part of the wall is removed or demolished, it being no lower than 2.6m from ground level at its lowest point in its retained or rebuilt form.

4/07/00614/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials  
DT7A Complete Accord  
DT19 Obscure Glazing

4/07/00624/FPA

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

4/07/00653/AD

TL3 Advert Approvals

The signage hereby approved shall be illuminated between the hours of 9am-10pm Monday to Saturday and 9.30am-6.30pm Sunday only.

4/07/00664/TPO

TL8 Time Limit Full Approval 2 yrs

All works must be carried out by qualified and experienced arborists, and must conform to British Standard BS3998:1989

4/07/00669/FPA

T1 Time Limit Full Approval 2004

DT4 External Materials

DT8 Enclosure Details to be Agreed

DT23 Drainage Scheme

The dwelling hereby approved shall not be occupied until the garage shown on the approved drawings has been provided. The garage shall thereafter be retained and shall not be used for any other purpose other than the parking of private vehicles.

That notwithstanding the information shown on the submitted plans, the garage shown on the approved drawings shall use a roller shutter type door that shall not project beyond the forward most part of the garage. A roller shutter type door shall thereafter be retained and shall not be replaced with a door that opens outwards.

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

4/07/00671/FPA

T1 Time Limit Full Approval 2004

DT3 Finish of Materials

## List of Approvals

From 20/07/2007 to 17/08/2007

Number and Applicant	Location	Proposal
07/00762/DEX Mr M Williams	Braeside Newcastle Road Crossgate Moor Durham DH1 4HZ	Two Storey Extension
07/00827/DEX Mr Shillock	23 Lumley Road Newton Hall Durham DH1 5NR	Single storey pitched roof utilty and shower
07/00829/DOM Haslam Homes North	Former Hilltop Garage Site Front Street Sherburn Hill Durham	33 No New Dwellings
07/00948/OTHC Durham Community	Durham Community Business College Bracken Court Ushaw Moor Durham DH7 7NG	Refurbishment of gymnasium to a vocational learning
07/00955/DRO Mr & Mrs Woods	18 Park Avenue Coxhoe Durham DH6 4JW	Bedroom In Roof Space
07/00956/DEX Mr & Mrs Henderson	4A Newby Lane High Pittington Durham DH6 1AW	Extension to form sun room
07/00962/DEX Mr R Smith	Belmont Lodge Pittington Lane High Pittington Durham DH6	Single storey extension containing kitchen, utility and
07/00967/DOM Anvil Homes Ltd	Car Park Adj Cheveley Park Shopping Centre Brackendale Road Belmont Durham	10 No Town houses.
07/00968/RESUB 3R Land & Property Ltd	3 North Bailey Durham City Durham DH1 3ET	Conversion of Offices into 3 No apartments
07/00972/DEX Jane Derbyshire & David	9 Sidegate Durham City DH1 5SY	Proposed extension and alteration to dwelling

Number and Applicant	Location	Proposal
07/00984/DOM Adilah Properties Ltd	Site Of Witton Sunshack Front Street Witton Gilbert Durham DH7	2 Dwellings with attached
07/00987/PARTNR Durham County Council	Coundon Grange Travellers Site St Philips Park Coundon Grange Bishop Auckland Co Durham DL14 8XG	Demolition of existing amenity blocks and erection of new blocks. Resurfacing of
07/00990/DEX Mr McKay	30 The Moorlands Gilesgate Durham DH1 2LD	Single storey extension with pitched roof
07/00991/DEX Mr Argument	91 Moor Crescent Gilesgate Moor Durham DH1 1DJ	2 storey front extension with pitched roof over garage, bay window with W.C in garage
07/00993/DEX Mr & Mrs Bell	24 Edlingham Road Newton Hall Durham DH1 5YS	Garage Conversion
07/01096/OTHC Bonomi Investments Ltd	51 North Road Durham City DH1 4SF	Erection of refuse store
07/01099/OTHC New College Durham	New College Durham Framwellgate Moor Durham DH1 5ES	Cooling System Installation
07/01105/OTHC St Margarets Church Of	St Margarets Church Of England Primary School Crossgate Peth Durham City DH1 4QB	Replacement of Hall Window
07/01106/OTHC Mrs D Mowbray	St Margarets Church Of England Primary School Crossgate Peth Durham City DH1 4QB	Replacement of wooden fire doors
07/01107/PARTNR Mr Ali	322 Heaton Road Newcastle Upon Tyne Tyne & Wear	Loft Conversion

Number and Applicant	Location	Proposal
07/01111/PARTNR Mr & Mrs Chisolm	4 Crichton Avenue Chester-Le-Street County Durham DH3	Extension to form garage, kitchen dining room and extension
07/01117/OTHC Durham County Council	Gilesgate Sports College And 6th Form Centre Bradford Crescent Gilesgate Durham DH1 1HN	Adaptions throughout the college to improve access, disabled toilets and ramped access
07/01118/OTHC Elvet Structures Ltd	Land Adjacent Plot BT70 St Johns Road Meadowfield Industrial Estate Durham	Factory Unit
07/01124/OTHC Durham County Council	Belmont School Community Arts College Buckinghamshire Road Belmont Durham DH1 2QP	Kitchen refurbishment including ventilation works
07/01126/PARTNR Mr & Mrs Aujila	37 Edward Burdis Street Sunderland Tyne & Wear SR5 2LU	Conversion of shop into flats
07/01127/PARTNR Mrs Crosby	64 Railway Terrace Willington Crook Co Durham DL15 OEL	Additional Bedroom & Bathroom with Dormer
07/01129/PARTNR Durham County Council	Chester-le-Street Church Of England School Hilda Park Chester-le-Street Co Durham DH2 2JT	Replacement of corridor doors & erection of partition walls to divide open plan
07/01134/DEX Mr Harper	17 Leyland Close Bowburn Durham DH6 5DD	Bedroom and en-suite
07/01135/DEX Mr Sheraton	11 Wellington Street High Pittington Durham DH6 1AZ	Dining room, utility, W.C, bedroom and en-suite

Number and Applicant	Location	Proposal
07/01136/DEX Mr Dunn	16 Whitwell Acres High Shincliffe Durham DH1 2PX	Lounge, W.C, Dining room extension
07/01137/DEX Mr Spooner	6 Derbyshire Drive Belmont Durham DH1 2DN	Kitchen, utility, garage & bedroom extension
07/01138/DEX Mr Swift	16 Whinney Hill Durham City DH1 3BE	Bedroom, Breakfast room, dining room extension
07/01141/PARTNR Mrs Gallagher	28 Greenwell Park Lanchester County Durham	Utility, shower room extension
07/01142/PARTNR Mr Weightman	Butterwick West Farm Sedgefield County Durham TS21 3ER	Sun room & en-suite
07/01143/DEX Mrs Joanne Napper	30 Millford Way Bowburn Durham DH6	Two storey pitched roof extension
07/01145/OTHC British Sociological	Bailey Suite Palatine House Belmont Business Park Durham DH1 1TW	Partition part of open plan office to make enclosed office
07/01149/DIS Mr Robinson	7 Osprey Close Esh Winning Durham DH7 9JP	Sun room and bedroom extension
07/01152/OTHC John Graydon	New College Durham Framwellgate Moor Durham DH1 5ES	Glazed entrance lobby to front elevation of further education building
07/01156/OTHC City Of Durham	Town Hall Market Place Durham City Durham DH1 3NJ	Alterations to provide DDA access and refurbishment
07/01161/OTHC ING Retail Fund	Unit 43 The Gates Durham DH1 4SL	Formation of 2 Units from 1



Number and Applicant	Location	Proposal
07/01162/DEX Mr D Pepper	113 Musgrave Gardens Gilesgate Moor Durham DH1 1PJ	1st floor extension
07/01163/PARTNR Durham County Council	Wingate Infants School Church Street Wingate County Durham TS28 5AQ	Creation of level thresh into building, new door, creation of hatch and internal decoration
07/01164/DEX Michael English & Nina	17 High Street Carrville Durham DH1 1AS	Re-design and build of existing buildings
07/01166/OTHC Eduardo Pelle Ltd	Unit 45C Prince Bishop Shopping Centre High Street Durham DH1 3UL	Proposed Electrical
07/01167/OTHC Haden Building	Treetops Department University Hospital Of North Durham North Road Durham City DH1 5TW	Construction of Consultants Office within Waiting Room Area
07/01169/PARTNR Mrs Hewson	14 Mafeking Terrace Sacristion County Durham DH7 6ND	Loft Conversion
07/01170/OTHC Durham County Council	Chester-Le-Street Park View Community College Lombard Drive North Lodge Chester- Le-Street County Durham DH3 4BB	New ramped access to 3 area's and provision of disabled
07/01171/DEX Ms C Weightman	10 Warwick Court Durham City DH1 3QA	Kitchen Extension
07/01173/DRO Joanne Rogers	125 High Street North Langley Moor Durham DH7 8JH	Room In Roof Space

Number and Applicant	Location	Proposal
07/01174/DEX Mr L Murray	76 Grinstead Way Carrville Durham DH1 1LZ	Garage Extension
07/01178/DEX Aclet Property	14 Valley View Ushaw Moor Durham DH7 7LS	Conversion Of Garage to Form Bedroom
07/01182/ELECTR Colin & Mandy Lowther	6 Woodland Terrace Lymington Esh Winning Durham DH7 9NL	Erection of single storey pitched roof extension
07/01183/DEX Mr Ken Foster	3 Kinley Road Carrville Durham DH1 1LX	Kitchen & Garage Extension
07/01186/ELECTR Mrs Hammond	East House Farm Coxhoe Durham DH6	2 storey rear and side extension
07/01191/DEX Mr G Kennedy	8 Fir Tree Close Gilesgate Moor Durham	Kitchen & bedroom extension
07/01193/PARTNR County Durham &	County Durham & Darlington Fire & Rescue Barnard Castle Fire Station Wilson Street Barnard Castle County Durham	Proposed new shower room
07/01194/ELECTR Chris Royal	5 Cartington Road Newton Hall Durham DH1 5YR	2 storey pitched roof extension
07/01195/DEX George Rennie	18 Ushaw Terrace Ushaw Moor Durham	Single storey rear extension for bathroom/kitchen
07/01198/DEX Mr Turnbull	21 Kirkstone Drive Carrville Durham DH1 1AH	Sun room and W.C extension
07/01199/PARTNR Durham County Council	Thornhill Primary School Thornhill Gardens Shildon County	Refurbishment of kitchen to include increased ventilation

## List of Refusals

From 20/07/2007 to 17/08/2007

Number and Applicant	Location	Proposal	Decision
07/00782/DRO Mr George Chissell	98 Grange Road Carrville Durham DH1 1AQ	Conversion of roof space into habitable room	REJ16



# Building Notices

Between 20/07/2007 and 17/08/2007

## Number of cavity wall insulation applications 3

Number and Applicant	Location	Proposal
07/01172/OTHDBN Dr Keegan	111 Moor Crescent Gilesgate Moor Durham DH1 1DL	Fitting toilet and wash hand basin in corner of utility room
07/01176/OTHDBN Mr Vicary	24 Durham Road Bowburn Durham DH6 5AT	Bathroom and new services
07/01187/GLAZBN Sheila Pahlsson	6 Nelson Terrace Sherburn Durham DH6 1ED	3 windows ro rear
07/01188/DEXBN Dr & Mrs Devapal	12 Mayorswell Close Durham DH1 1JU	Bay window to dining room
07/01197/OTHDBN Mr Johnson	20 Filby Drive Carrville Durham DH1 1LT	Garage Conversion
07/01208/GLAZBN Mrs Curran	5 St Johns Road Nevilles Cross Durham DH1 4NU	Replacement Windows
07/01212/OTHDBN Mrs Katherine Jones	Avenue House North Road Durham City DH1 4HD	Addition of toilets, hand basins, kitchen, removal of partition
07/01213/GLAZBN Dr Phillipa Wood	The Meadows Cottage Sunderland Bridge Durham DH6 5HD	Replacement Windows
07/01218/OTHDBN Robert Mole	3 Victoria Terrace Durham City DH1 4RW	Divide one bedroom into two and installation of velux window
07/01219/DEXBN William John Adamson	11 The Crescent Sherburn Durham DH6	Single storey extension to rear of house and double garage
07/01221/OTHDBN Mr Alan Bowater	130 Priors Grange High Pittington Durham DH6 1DB	Removal of load bearing wall.

Number and Applicant	Location	Proposal
07/01224/OTHDBN Barry Stainthorpe	1 Station Road Meadowfield Durham DH7 8NF	Conversion of rear to garage into bathroom & utility
07/01229/OTHDBN Mr Perkins	15 Douglas Gardens Merryoaks Durham DH1 3PT	Removal of supporting wall between kitchen and dining

## List of Regularisations

From 20/07/2007 to 17/08/2007

Number and Applicant	Location	Proposal
07/01200/OTHDRG Alan Corsie	5 Finchale Road Framwellgate Moor Durham DH1 5JW	Dormer window in existing roof space
07/01201/GLAZRG Ms Alison Kemp	21 Harle Street Browney Durham DH7 8HX	Double glazed windows
07/01207/GLAZRG Mr Heather	23 Wilson Crescent Gilesgate Moor Durham DH1 1PF	Replacement windows
07/01216/OTHDRG Ms Alison Kemp	21 Harle Street Browney Durham DH7 8HX	Relocation of bathroom
07/01226/GLAZRG Susan Walsh	69 Featherstone Road Newton Hall Durham DH1 5YW	2 replacement windows