

**City of Durham**

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 11<sup>th</sup> October, 2007, at 5.30 p.m.

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

**Also Present:** Councillors Dickie, Kellett, Kelly, Thompson, Turnbull and Wilkes.

**278. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Crooks, Lodge, Rae and Taylor.

**279. MINUTES**

The Minutes of the Meeting held on 20<sup>th</sup> September, 2007, were confirmed as a correct record and signed by the Chairman.

**Report of Director of Strategic Services**

**280. REPORT FOR INFORMATION**

The Director of Strategic Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1<sup>st</sup> April, 2007, to 30<sup>th</sup> June, 2007, a copy of which had been placed in the Members' Room.

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

**281. PROPOSED STOPPING UP OF FOOTPATH AT FRONT STREET, SHERBURN HILL, DURHAM**

At the Development Control Committee held on 8<sup>th</sup> March, 2007, it was resolved that the Council make an Order under Section 257 of the Town and Country Planning Act 1990 to give effect to the stopping up of a short length of footpath to the south of Front Street, Sherburn Hill, to enable development to be carried out in accordance with planning permission granted by this Authority.

The Order was made on 2<sup>nd</sup> August, 2007, and in accordance with standard procedure, the making thereof was advertised in the Local Press and correspondence dispatched to the relevant statutory consultees. There were no outstanding objections to and the Council was now able to confirm the Order of its own volition as an unopposed Order.

**Resolved:** That the City of Durham (Footpath off Front Street, Shadforth Parish, Sherburn Hill, Durham) Stopping up Order 2007, be confirmed.

**Report of Head of Planning Services**

**282. REPORTS FOR INFORMATION**

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
  - Appeal by P Eden – Site at Nelson House, Nelson Terrace, Sherburn Village, Durham, DH6 1ED
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by M Moore – Site at Broom Hall Farm, Broom Crescent, Ushaw Moor, Durham, DH7 7NB
  - (ii) Appeal by N Swift (Hope Estates) – Site at 34 Young Street, Gilesgate, Durham, DH1 2JU
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

**Resolved:** That the reports be noted.

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

### **283. DECISION MADE BY THE COUNTY COUNCIL**

**CM4/07/737**

**Durham County Council**

**Durham Gilesgate Sports College and Sixth Form Centre, Providence Row, Durham, DH1 1SG  
Erection of demountable building to provide disabled/physiotherapy facilities**

The above application was considered by the City Council under delegated powers on 15<sup>th</sup> August, 2007, when it was resolved to offer no objection.

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

### **284. DEVELOPMENT BRIEF – NEVILLE COURT, NEVILLES CROSS, DURHAM**

A Brief had been submitted by King Sturge on behalf of the owners of Neville Court, The Avenue, Durham. The Brief sought to identify the constraints which exist on the site and the policies at national, regional and local levels and to which regard must be had by a developer should an application be forthcoming for the redevelopment of the site. The Brief had been the subject of some limited informal officer discussion, but had no status in any subsequent pre-application discussions and should certainly not be interpreted as representing the views of the Council. The Brief would, however, serve as a basis for further ongoing discussions between officers and developers.

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

**Note:** *Councillors Plews and Turnbull entered the Meeting at 5.35 p.m.*

**Note:** *Councillors Simmons and Wilkes entered the Meeting at 5.40 p.m.*

## 285. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **07/00455/FPA**  
**07/00454/CAC**  
**R Anderson**

**East Farm, Sunderland Bridge, Durham, DH6 5HD**  
**Demolition and conversion of new build of East Farm**  
**to provide 8 no. dwellings and conversion of farm**  
**track to access road**

**Resolved:** (i) That application 07/00455/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) - Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing and bonding to be used, and the style of pointing of the finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
- (4) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (5) - 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.
- (6) - 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.
- (7) - 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. This shall include in particular the size, position, type, finish and specification of all roof-lights.
- (8) - 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.
- (9) - Notwithstanding the information shown on the submitted plans the precise design of the roof details including (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, and (vi) guttering, 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.
- (10) - 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.
- (11) - Notwithstanding the information shown on the submitted plans the precise design of the proposed quoins, their location, and specification 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.
- (12) - 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.

- (13) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no garages or car ports (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
- (14) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
- (15) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forward-most part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
- (16) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
- (17) - 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.
- (18) - The implications and recommendations of the 'Scoping Bat Survey of East Farm, Sunderland Bridge, 24th June 2005', by Durham Bat Group shall be fully adhered

to be the developer, and the full responsibilities incumbent upon the developer under the Wildlife and Countryside Act 1981, and all subsequent and complimentary legislation relating to Protected Species must be acknowledged.

- (19) - No site works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the local Planning Authority, in accordance with an approved brief.

(ii) That application no. 07/00454/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.

(iii) That authorisation be granted for the serving of a Tree Preservation Order on the mature tree adjacent the access road to the south of the development.

(b) 07/00749/FPA  
Castle Homes NE Ltd

**Demolition of existing buildings and erection of 17 no. apartments including provision of replacement hairdresser at ground floor level, with associated parking, bin and cycle storage.**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with

- the approved scheme.
- (4) - 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 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.
  - (8) - 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.
- (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.
- (10) - 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.
- (11) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision (in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as Part of Major New Development Schemes' (2006)) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.

The Meeting terminated at 5.45 p.m.

Chairman



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

**1 November 2007**

**REPORT OF THE HEAD OF PLANNING SERVICES**

**Reports for Information**

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

- 1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
  - a) Appeal by J McArdle  
Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU
  - b) Appeal by Mr A Hodgson  
Site at 19A Wearside Drive, Durham, DH1 1LE
  - c) Appeal by George Wimpey North East  
Site at Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the City Council**
  - a) Appeals by Mr N Swift (Hope Estates)  
Site at 7, 8 and 9 Waddington Street, Durham, DH1 4BG
  - b) Appeal by Mrs S Doran  
Site at 50 Oatlands Way, Pity Me, Durham, DH1 5GL
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

#### 4. 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 And Applicant	Location	Proposal	Recommendation
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##### ITEM 1

07/00753/FPA 3R Land And Property	Land at Back Silver Street Durham	Erection of 2 blocks of two and four storeys in height, comprising 1 no. retail unit (Class A1), 1 no. office unit (Class A2), with 3 no. flats above (revised and resubmitted)	<b>Refuse</b>
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##### ITEM 2

07/00920/RM Grosvenor House Group PLC	Earls House Hospital Lanchester Road Durham	Reserved Matters application for the erection of replacement mental healthcare facilities including details of layout, scale, appearance, access and landscaping	<b>Approve</b>
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**ITEM 1**

<p><b>07/00753/FPA</b></p> <p><b>3R Land And Property</b></p>	<p><b>Land At Back Silver Street, (to rear of 21 Market Place) Durham</b></p> <p><b>Erection of 2 blocks of two and four storeys in height, comprising 1 no. retail unit (Class A1), 1 no. office unit (Class A2), with 3 no. flats above (revised and resubmitted)</b></p>
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**SITE AND APPLICATION DESCRIPTION**

The application site consists of a small single storey garage block, backed by undeveloped steeply rising land containing an amount of self sown flora. Facing onto Back Silver Street across a small forecourt outside the boundary and ownership of the site, the garages face the gable end of a traditional two storey cottage, and the rear of Clement’s Wharf, a recent development of apartments that face the River Wear. Whilst no buildings immediately bound the site, the listed Markets building is close-by to the north.

Back Silver Street has undergone something of a renaissance in recent years, with improvements to surfacing and street furniture, supporting the revived use of the workshops at Freeman’s Place, a coffee shop with street tables, and a strong street character derived from the relationship between the Clement’s Wharf development and the Markets Building, offsetting the utilitarian appearance of the service-yard / turning area at it’s head. Pedestrian access is possible through or around the Markets, via three small vennels of varying quality, or from The Sands. With a one-way system in operation from The Sands, vehicular access is only possible from the slip-road heading west off Milburngate Bridge.

The application proposes what from the front elevation appears five storey development. In reality a potential retail/office unit at the street level currently occupied by the garages sits below an ‘L’ shaped building, four storeys of accommodation cut into the slope to the rear of the site, with a two storey wing projecting to the front. Access to these upper levels is via a single door at street level, through a terraced area above the commercial unit. Traditional style, massing and detailing has been proposed to attempt integration into the Conservation Area setting, with careful arrangement of windows to minimise impacts on surrounding residential property. Two trees will be lost as a result of the development.

**RELEVANT HISTORY**

A number of attempts have been made at residential development of this site, to date these have either been withdrawn or refused. Refusal reasons have included substandard protected species information, substandard amenity distances, and the effect on the character of the Durham (City Centre) Conservation Area.

**POLICIES*****NATIONAL POLICIES***

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system. The key objectives should ensure that developments:

- Are sustainable and adaptable;
- Optimise the potential of the site to accommodate development;
- Respond to their local context and create or reinforce local distinctiveness;

- Are safe and accessible
- Are visually attractive as a result of good architecture and appropriate landscaping.

Planning Policy Statement 3: Housing, sets out, in conjunction with PPS1 the Government's aspirations for the planning system to deliver a mix of high quality, well designed housing, that is affordable, takes into account local need and manages land use efficiently.

Planning Policy Statement 6: Planning for Town Centres holds that subject to other planning considerations, residential or office development should be encouraged as appropriate uses above ground floor retail, leisure or other facilities within centres, that in assessing new developments, Local Planning Authorities should consider the effect on local traffic levels and congestion, and that consideration should be given to local issues and material considerations, which may include:

- Physical regeneration;
- Employment;
- Economic growth; and
- Social exclusion.

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.

Planning Policy Guidance Note 16: Archaeology and Planning, seeks to make clear the obligations of developers and Local Planning Authorities on development sites with an archaeological potential.

Planning Policy Statement 25: Development and Flood Risk seeks to ensure that the potential for flood risk is taken into account at all stages of the planning process.

## ***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.

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.

## ***LOCAL PLAN POLICIES***

Policy E6 (Durham (City Centre) Conservation Area) holds that the special character of the Conservation Area will be protected by encouraging new development to respect the existing built form by meeting a number of criteria relating to urban design.

Policy E14 (Protection of existing trees and Hedgerows) notes that in considering proposals affecting trees the Council will require development proposals to retain individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

Policy E21 (Conservation and Enhancement of the Historic Environment) states the Council will preserve and enhance the historic environment of the district by requiring development proposals to minimise adverse impacts on significant features of historic interest within or adjacent to the site and encourage the retention, repair and re-use of buildings and structures which are not listed, but are of visual or local interest.

Policy E22 (Conservation Areas) relates the Council will preserve or enhance the character or appearance of the areas within the city of Durham by not permitting development proposals which would detract from the character or appearance of the conservation area or its setting by ensuring that development will be sensitive to the existing built environment, being complimentary to Policy E6 (above).

Policy E24 (Ancient Monuments and Archaeological Remains) seeks to protect such, and make provision for examination of remains at an appropriate point in the planning process where there is potential for such.

Policy H2 (New Housing Development within Durham City) sets out that new housing within the City Centre boundary will be permitted provided that the proposal does not contravene Policies E3, E5 and E6 and that the development accords with policies Q8, R2, T10 and U8A.

Policy H13 (Character of Residential Areas) seeks to protect the character and appearance of residential areas, and the amenities of residents within them from changes which have a significant adverse effect upon them.

Policy CC1 (Vitality and Viability in the City Centre) states the Council will seek to protect and enhance the vitality and viability of the city centre by promoting a mixture of uses within the area and promoting development which seeks to enhance the area, both by day and night and which is safe and accessible.

Policy S2A (A2 and A3 Uses within the City Centre Shopping Area) notes that A2 (Financial and Professional Services) and A3 (Restaurants and Cafes) uses should be encouraged to be located within the primary retail area in accordance with PPS6.

Policy Q1 (General Principals - Designing for People) requires that new development takes account of the requirements of its users, incorporating personal safety and crime prevention, the needs of the elderly, children, and disabled.

Policy Q2 (General Principals - Designing for Accessibility) expects development to embody the principal of sustainability, setting out criteria to provide for, and minimise conflict between pedestrians, cyclists, public transport, and vehicles.

Policy Q8 (New Residential Development) states that the layout of new residential requirements will be required to provide adequate amenity and privacy for each dwelling and minimise the impact on neighbouring dwellings; provide adequate areas of safe accessible and attractive open space in accordance with R2; take into account the need to retain existing features of interest (including trees and hedgerows); appropriate in scale, form, density and materials to the character of its surroundings.

Policy U8a (Disposal of Foul and Surface Drainage) seeks to ensure that provision for such is included or conditioned within development proposals.

## **REPRESENTATIONS**

### ***STATUTORY RESPONSES***

The County Highway Authority acknowledge that as a City Centre site the absence of parking provision is appropriate, noting that the highway to the front of the development site will need to be reinstated.

The County Archaeologist note that as made up land, not built upon in the heart of the City Centre, the potential for archaeology is high. In the absence of investigation of such, they object, in line with Government advice in PPG16.

At the time of report writing responses from Northumbrian Water and the Environment Agency were outstanding. It is noted that on previous applications neither had objected, the site being above Flood Zones B and C of the River Wear, with standard conditions relating to connection to foul and surface sewage systems required.

### ***PUBLIC RESPONSES***

Due to the timing of the Committee meeting the public consultation exercise had not expired. Whilst no written responses have been received at the time of report writing, any that are submitted before the Committee will be verbally reported to members.

## **PLANNING CONSIDERATIONS**

This site has been subject to a number of applications for residential development, all to date having been refused or withdrawn. As noted above the form and character of the street has undergone major change and improvement, partially since those submissions, the most significant of which affecting the site is the construction of the Clement's Wharf development, partially facing the site.

In principle the land is brownfield and within the Settlement boundary of Durham City, development therefore being appropriate. As a Conservation Area site, visible in the foreground of the World Heritage Site from a number of transport arteries, and principal public views, the site demands a high level of design, construction and materials. The agents have carried out some pre-submission discussion with officers. The site is above the critical zones in relation to flooding from the River Wear, and the existing buildings are not of an age that would encourage the presence of bats. Provision of suitable sewage and drainage provision presents no obvious technical difficulties and could be adequately addressed by condition. During pre-submission discussions the two self-sown trees on site were examined by the Council's Landscape Officer, who accepted their loss.

Elevationally the scheme has been presented to exhibit a strong traditional feel, with vertically proportioned windows, recessed between heads and cills. Simple massing and traditional roof pitches, with appropriate window to wall ratios enhance this appearance. The ground floor retail unit, with the single doorway entrance to the residential accommodation above has been designed to fit with the character of the rear wall entrances to other properties on Silver Street, and the vennel connecting Silver Street to Back Silver Street.

The relationship of the shop unit to Clement's Wharf flats is one of the determining features of this application, with windows facing at 11.5m. The shop unit is at present speculative with no proposed end-user, but with any such use it must be bourn in mind that a level of activity and disruption from staff, customers, servicing and delivery is inherent, the implications of the alternate A2 Financial and Professional Services Use proposed – a class that includes banks, building societies, betting shops and estate agencies being to a degree similar.

Whilst the gable end of the residential front wing of the proposed development above the shop falls short of the suggested 13m guideline for amenity distances between residential property, and includes obscured secondary glazing, officers consider that in this location the relationships of massing and facing distances are mitigated by the character and existing inter-relationships existant in the street. The 'L' shaped block has been cleverly designed to interrupt facing distances from the proposals main elevations, with implications for window relationships to the sides and rear of the development site negligible. A small communal terraced area within the angle of the 'L' provides a degree of private amenity space for potential residents.

In more general townscape terms the development has the potential to integrate well into the developed and undeveloped fabric of the locale, contributing to the Back Silver Street street-scene whilst not compromising the characterful, if unkempt rear aspect of Silver Street as it descends towards Framwelgate Bridge. Whilst two trees are to be removed as part of the development, and others will need works, the degree of tree cover in the immediate area will not be seriously compromised.

The requirements of the County Archaeologist, given that the site is in the centre of Durham City, and which is both made up land, and relatively undisturbed, are critical. The extent of the implications of potential investigation can not be assessed through the application in its submitted form, and a condition is not an appropriate tool to cover the potential alternatives. In the absence of an appropriate site survey at application stage, the scheme can not be recommended approved on this one item alone.

Overall the scheme has much to recommend it. The design is of a quality demanded by the location, it has character, appropriate townscape qualities, and cleverly overcomes the residential to residential amenity and privacy issues. Officers do still however have a level of concern on the relationship of the commercial unit to the facing residential. Whilst this issue is balanced, officers feel that the potential effect on residential amenity of some of the types and impacts of uses within the classes applied for would have an unreasonable effect on the existing residences. Therefore, whilst acknowledging the attributes of the proposed scheme, and its advantages over those previously presented, this relationship is, in addition to the archaeological requirements outlined above, sufficiently important for officers to recommend refusal of the application.

## **RECOMMENDATION**

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

1. The application is not supported by any degree of archaeological survey or investigation, the City Council therefore not having the full extent of information required to make an informed decision on the potential impact of the scheme on any deposits the site may contain, contrary to Policy E24 of the City of Durham Local Plan, 2004.
2. The relationship between the proposed A1/A2 Use Class commercial unit on the ground floor of the development, and the residential windows opposite in the Clement's Wharf development are not considered to allow a level of amenity the occupants of those properties could reasonably expect to enjoy, contrary to Policy H13 of the City of Durham Local Plan, 2004.

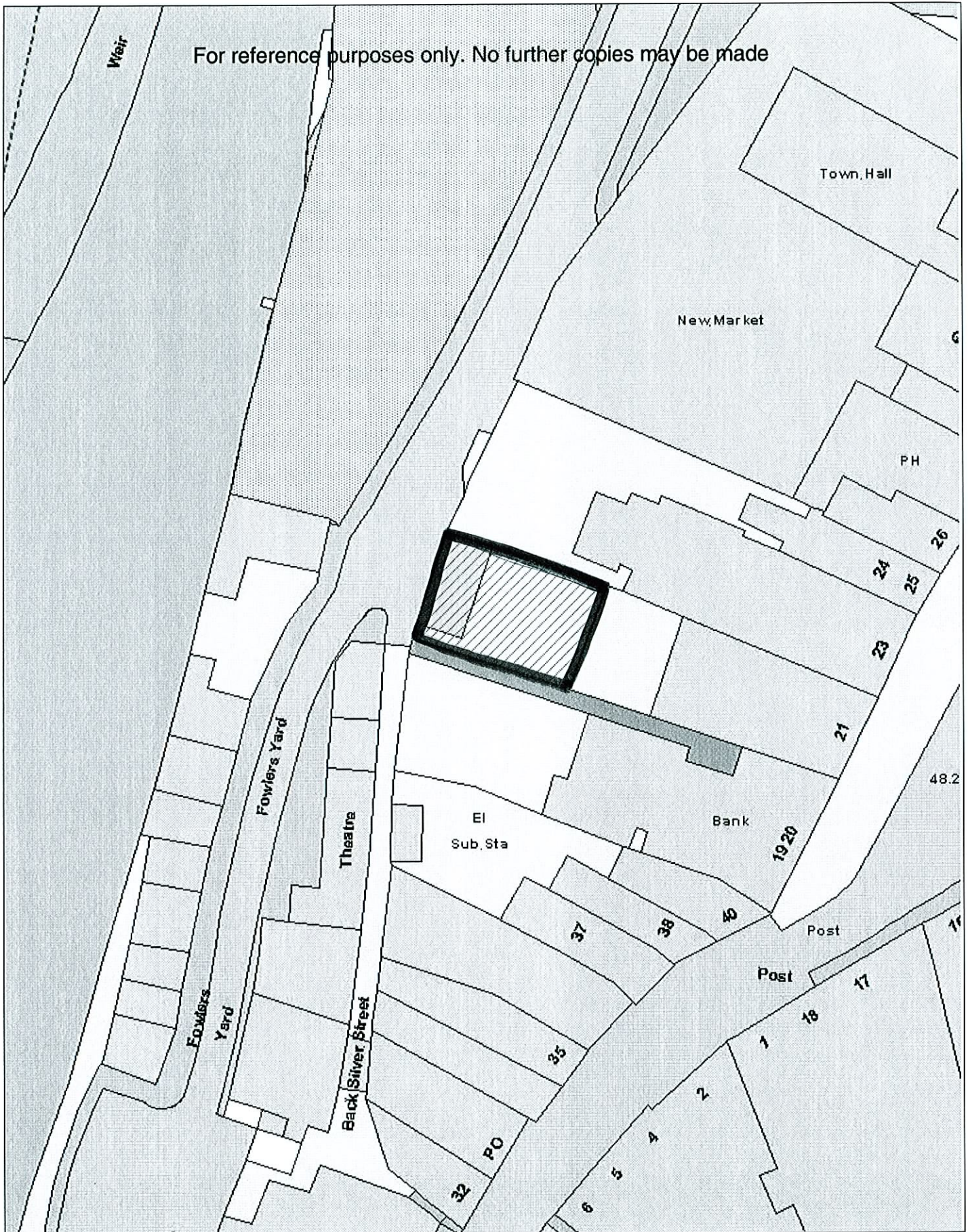
## **BACKGROUND PAPERS**

Submitted Application Forms, Design and Access Statement and Plans  
City of Durham Local Plan 2004

Policy Planning Guidance notes and Statements, PPS1, PPS3, PPS6, PPS25, PPG13,  
PPG15 and PPG16  
Regional Spatial Strategy – Regional Planning Guidance RPG1 for the North East 2002  
Responses from Statutory Consultees  
Public Consultation Responses  
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/07/00753

Land At Back Silver Street, Durham

Comments

Date

19 October 2007

Scale

1:527

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**ITEM 2**

<b>07/00920/RM</b>	<b>Earls House Hospital, Lanchester Road, Durham</b>
<b>Grosvenor House Group PLC</b>	<b>Reserved Matters application for the erection of replacement mental healthcare facilities including details of layout, scale, appearance, access and landscaping</b>

**SITE AND APPLICATION DESCRIPTION**

Earls House Hospital lies to north west of Durham City. To the south west of this facility runs the A691 Durham – Lanchester road in a east – west direction, to the north west runs Trout Lane in a north south direction, the two roads converging next the hospital’s western corner. To the north east and south east lies open countryside.

The applicants, who are the Tees, Esk and Wear Valley NHS Trust’s selected bidders for replacement mental health care facilities at Earls House, propose to provide 60 adult acute ward beds in the form of three in–patient 20 bed wards. A separate, but linked,16 bed Learning Disabilities Unit will also be provided.

These will be located centrally within the hospital grounds to the north west of the quite recently completed Bowes Lyon unit on land now open following the demolition of redundant hospital buildings. They will take the form of a series of predominantly single storey structures arranged around a large central landscaped courtyard. The entrance, at the north east corner of the proposed complex and opposite a newly completed new car park, will be marked by a higher circular drum shaped building, tapering down to the rear to a level compatible with adjoining courtyard buildings. The drum will contain reception facilities and have a green roof to soften the visual impact of this highest point of the proposal when viewed from across the valley to the south west.

The buildings themselves will provide the enclosure of the central open area, which needs to be secure. Wards will open onto it. However, the Learning Disability Unit will also have an outer garden, to be enclosed by a mature hedge each side of a 1.5m high wire mesh fence. This will provide both security and privacy in a low key uninstitutional and non-assertive manner.

The architectural style is sympathetic to that of the Bowes Lyon unit, with similar low roof pitch and overhanging eaves. Locally supplied red multi–stock clay facing bricks, combined with grey roof tiles, will be used on the courtyard buildings. Stove enamel light grey window frames, dark blue inset casements, and brighter blue infill shutters, grills and doors have been chosen to combine in the provision of contrast and articulation.

The drum entrance building will add colour through cladding and glass to exude a range of cool blues to both contrast with the red brick and create a calm persona.

The central courtyard or “ambulatory” will be the green heart of the scheme, a place where patients and their carers and visitors can walk together, or alone, in a tranquil and secure enclosed garden. This will be extensively planted, with the sculptural curved wall of the Faith Building providing a focus at one end, with a café terrace at the other. The articulated nature of the layout will enable the central area to be interspersed with smaller spaces that will include therapeutic and sensory gardens to assist mental health recovery.

Externally, the perimeter of the site will be widely planted with shrubs and trees to provide privacy and security. The Health Trust has also indicated a willingness to allow additional tree planting to be carried out within the wider hospital grounds, but outside the confines of

the application site, to further reduce visual impact in long distance views of the proposed development.

Lighting will be carefully sited to minimise light spill outside the site, and where possible will be low level or wall mounted, avoiding the use of columns. The impact of light shining from within the drum shaped building at night will be mitigated by the larger glazed areas facing into the site rather than outwards across the valley.

The Health Trust has already created a new vehicular access from Trout Lane to serve the proposed facility, and built a new car park.

This application is supported by a Design and Access Statement, Sustainability Assessment, Archaeology Assessment, Flood Risk Assessment, and Draft Travel Plan, and includes extensive site photographs and a contextual analysis, plans and elevations, many in colour, and materials and planting schedules.

## **RELEVANT HISTORY**

Outline planning permission for a replacement mental health facility on the site of the current proposals was granted in 2005.

Planning permission was granted for an associated new car park was granted in 2006.

## **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 2 : Green Belts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

### ***REGIONAL POLICY***

None

### ***LOCAL PLAN POLICIES***

Policy E7 (Development Outside Settlement Boundary) only permits development in the countryside outside established settlement boundaries where special circumstances exist, and there is accord with a limited number of countryside related policies.

Policy E1 seeks to protect the Green Belt, allowing only very limited built development. An example of such development is limited infill or the redevelopment of a Major Developed Site within the Green Belt.

Policy E2 permits development within a Major Developed Site provided that it has no greater impact on the openness of the Green Belt than the existing development there, does not

exceed the height of the existing buildings, and does not lead to a major increase in the developed portion of the site.

Policy T1 (Traffic - General) precludes new development capable of generating a level of traffic prejudicial to other highway safety or the amenity of neighbouring residents.

Policy Q8 (Layout and Design – Residential Development) seeks to secure high quality layout and design in respect of residential development.

## **REPRESENTATIONS**

### ***STATUTORY RESPONSES***

The County Highway Authority offers no objections and confirms that vehicular access issues were successfully reconciled at the outline application stage. This position is subject to adherence to the submitted, and agreed, Draft Travel Plan.

The County Archaeologist also assessed the potential impact upon archaeological interests at the outline application stage and is satisfied no harm will result.

### ***INTERNAL RESPONSES***

The City Council's Heritage and Design Manager confirms that the layout and design are in line with agreements reached with the scheme architects prior to the application's formal submission.

### ***PUBLIC RESPONSES***

None

## **PLANNING CONSIDERATIONS**

This proposal is the culmination of the applicants and their architects being chosen by the local NHS Trust as the selected bidders for the Public Finance Initiative (PFI) contract to provide a well designed new mental health facility at Earls House Hospital. Part of that selection process was a rigorous presentation by all shortlisted candidates, to which representatives of my Development Control Section and the Cultural Services Heritage and Design team were invited. Later, the successful candidates held discussions with my office to ensure compliance with planning policies before the submission of a formal planning application.

Earls House Hospital is defined as a Major Developed Site within the North Durham Green Belt. Local Plan Policy E1 allows limited development or redevelopment, while Policy E2 requires no greater impact upon the openness of the Green Belt than is presently the case.

The design of the proposed development, by virtue of its predominantly single storey nature, positioning of higher elements well within the site, extensive landscaping and attention to potential nocturnal light-spill, successfully addresses the objectives of Policies E1 and E2. Furthermore, by implication, the objectives of Policy E7 are also satisfied.

The County Highway Authority is satisfied that the site can be safely accessed, and that traffic generation is unlikely to be problematic, therefore there is also compliance with Policy T1.

The scheme achieves a successful balance between the creation of an attractive and imaginative built-form that avoids an institutional appearance, and the provision of a secure and therapeutic environment for those recovering from acute mental illness or learning difficulties who may be susceptible to self-harm or challenging behaviour.

I therefore give this most worthwhile and carefully conceived development my full 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. The development hereby permitted shall be carried out in complete accordance with the approved drawings and schedules, unless otherwise agreed in writing with the Local Planning Authority.
3. Upon occupation of the hereby approved buildings, full adherence to the terms of Draft Travel Plan (version 3) September 2007 shall take place, unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the occupation of the hereby approved buildings, details of all internal and external lighting, including the positioning, design, appearance and orientation of fittings, and the intensity of their output, shall be agreed in writing with the Local Planning Authority. Thereafter, lighting shall be implemented in full accordance with that agreement.
5. On-site tree planting shall be in full accordance with submitted document Landscape Specifications - Rev B 070903.doc unless agreed in writing with the Local Planning Authority.
6. The scheme of landscaping and tree planting shown on Drawing Ref: 21383 PL04 - Landscape Spec Rev B 070903 received by the Local Planning Authority on 14 September 2007 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. Occupation of the hereby approved buildings shall not take place until additional off-site tree and hedge screen planting, as shown on submitted drawing 21383 PL02, has been fully implemented.

## **BACKGROUND PAPERS**

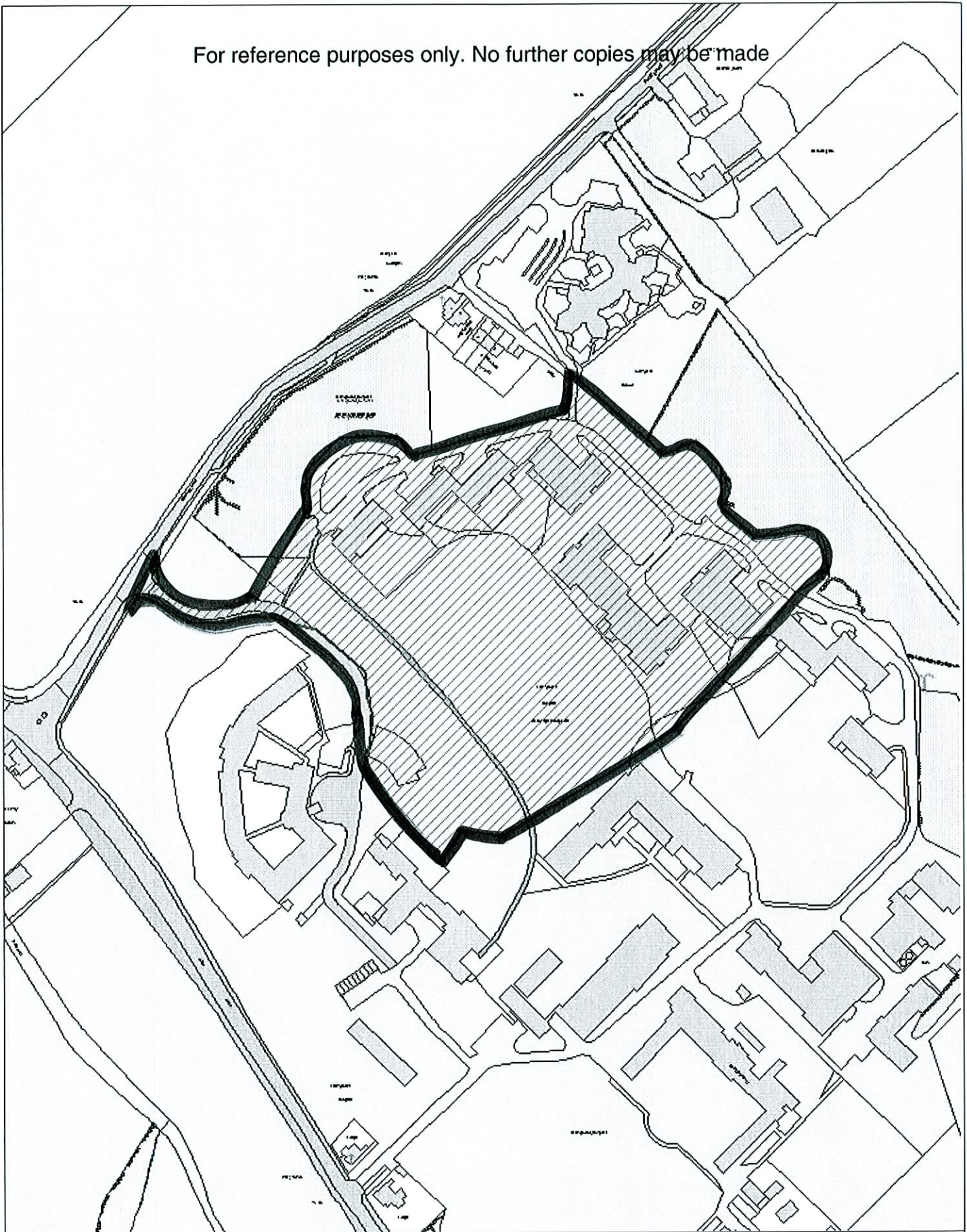
Submitted Application Forms and Plans  
Design and Access Statement  
City of Durham Local Plan 2004  
Responses from  
Public Consultation Responses from Statutory and Internal Consultees  
Various File Notes and Correspondence

PPS1 – Delivering Sustainable Development  
PPG2 - Green Belts





For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/07/00920/RM

Earls House Hospital, Lanchester Road, Durham

Comments

Date

19 October 2007

Scale

1:2500

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# **CITY OF DURHAM**

## **DEVELOPMENT CONTROL COMMITTEE 1 November 2007**

### **Reports for Information**



**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**1 November 2007**

**REPORT OF THE HEAD OF PLANNING SERVICES**

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

**a) Appeal by J McArdle  
Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU**

An appeal has been lodged by J McArdle against the Council's refusal to grant planning permission for the erection of 2 no. dwellinghouses (revised and resubmitted) at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU

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

**Recommendation**

That the report be noted.

**b) Appeal by Mr A Hodgson  
Site at 19A Wearside Drive, Durham, DH1 1LE**

An appeal has been lodged by Mr A Hodgson against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to side elevation of existing dwelling and insertion of 1 no. dormer window to front and rear elevations at 19A Wearside Drive, Durham, DH1 1LE.

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

**Recommendation**

That the report be noted.

**c) Appeal by George Wimpey North East  
Site at Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham**

An appeal has been lodged by George Wimpey North East against the Council's refusal to grant Reserved Matters approval for the erection of 42 no. dwellings, (12 apartments, 30 houses), vehicular and pedestrian access, landscaping and temporary sales board at Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham.

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

**Recommendation**

That the report be noted.

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

### **a) Appeals by Mr N Swift (Hope Estates) Site at 7, 8 and 9 Waddington Street, Durham, DH1 4BG**

The above appeals against the Council's refusal to grant planning permission for the demolition of rear offshoots in connection with erection of single storey pitched roof extensions to rear at 7, 8 and 9 Waddington Street, Durham, have been dismissed in the Council's favour. (See Appendix A)

#### **Recommendation**

That the report be noted.

### **b) Appeal by Mrs S Doran Site at 50 Oatlands Way, Pity Me, Durham, DH1 5GL**

The above appeal against the Council's refusal to grant planning permission for the change of use of land and erection of boundary fence at 50 Oatlands Way, Pity Me, Durham, DH1 5GL has been dismissed in the Council's favour. (See Appendix B)

#### **Recommendation**

That the report be noted.

## **2. Planning Applications determined under Plenary Powers**

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

## **3. Building Control Applications determined under Plenary Powers**

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





## Appeal Decisions

Site visit made on 11 September 2007

by **Richard McCoy** BSc MSc DipTP MRTPI  
IHBC

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

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

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
1 October 2007

### Appeal A Ref: APP/Z1320/E/07/2042659

#### 8 Waddington Street, Durham, DH1 4BG

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Hope Estates against the decision of Durham City Council.
- The application Ref 4/06/01134/CAC, dated 8 November 2006, was refused by notice dated 20 February 2007.
- The demolition proposed is an offshoot and construction of a single storey extension.

**Summary of Decision: The appeal is dismissed.**

### Appeal B Ref: APP/Z1320/A/07/2042657

#### 8 Waddington Street, Durham, DH1 4BG

- 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 Hope Estates against the decision of Durham City Council.
- The application Ref 4/06/01213/FPA, dated 9 December 2006, was refused by notice dated 20 February 2007.
- The development proposed is a bedroom and dining room extension.

**Summary of Decision: The appeal is dismissed.**

### Appeal C Ref: APP/Z1320/A/07/2042655

#### 7 Waddington Street, Durham, DH1 4BG

- 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 Hope Estates against the decision of Durham City Council.
- The application Ref 4/06/01212/FPA, dated 9 December 2006, was refused by notice dated 20 February 2007.
- The development proposed is a bedroom and dining room extension.

**Summary of Decision: The appeal is dismissed.**

### Appeal D Ref: APP/Z1320/E/07/2042660

#### 9 Waddington Street, Durham, DH1 4BG

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Hope Estates against the decision of Durham City Council.
- The application Ref 4/06/01130/CAC, dated 8 November 2006, was refused by notice dated 20 February 2007.
- The demolition proposed is an offshoot and construction of a single storey extension.

**Summary of Decision: The appeal is dismissed.**

**Appeal E Ref: APP/Z1320/A/07/2042661**

**9 Waddington Street, Durham, DH1 4BG**

- 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 Hope Estates against the decision of Durham City Council.
- The application Ref 4/06/01214/FPA, dated 9 December 2006, was refused by notice dated 20 February 2007.
- The development proposed is a dining room extension.

**Summary of Decision: The appeal is dismissed.**

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**Preliminary matters**

1. As set out above, there are five appeals. Two are for Conservation Area Consent for the demolition of rear offshoots. Three are for planning permission which differ only in the detail of the proposed extensions. Although I have considered each proposal on its individual merits, to avoid duplication, I have dealt with the five schemes together in this document except as otherwise indicated by reference to Appeal A, Appeal B, Appeal C, Appeal D and Appeal E.
2. From my visit it was apparent that the works to install the windows at front first floor level of No 9 and front/side first floor level of No 8 have already been carried out.
3. It is not clear why applications for Conservation Area Consent were submitted as complete demolition of the buildings was not proposed. However, as they were determined by the Council I shall deal with them as part of these appeals.
4. I note the appellant's claim that these proposals, given their size, would normally have been treated as permitted development. However, planning permission was required because the Council considered the public access behind the appeal properties to be a highway.
5. I note also that the proposals under these appeals have been amended following discussions with the Council. As far as I am aware these minor amendments have been brought to the attention of local residents. I am therefore satisfied that the cases of interested parties would not be prejudiced and I have taken these changes into account.

**Main issues**

6. I consider there are two main issues in these appeals. These are the effect of the proposals on: 1) the character and appearance of the Durham (City Centre) Conservation Area and 2) the living conditions of the occupants of adjoining properties from additional student accommodation.

**Planning policy**

7. The development plan for the area includes the Regional Spatial Strategy for the North east, the County Durham Structure Plan, adopted 1999 and the City of Durham Local Plan (LP) adopted May 2004. I consider the following policies to be of most relevance.
8. LP Policies E5A, E6 and E22 seek to prevent developments that would detract from open spaces which contribute to the character of an area, that would not



preserve or enhance the City Centre Conservation Area by not, amongst other considerations, reflecting a quality of design appropriate to the historic city centre and which would detract from the character or appearance of the Conservation Area in terms of siting, scale, design and materials.

9. LP Policy Q9 states that a proposal will be permitted provided amongst other criteria, it would not create a level of multiple occupation contrary to Policy H9. LP Policy H9 states that proposals to extend multiple occupation/student households already in such use will be permitted provided, amongst other criteria, it will not adversely affect the amenities of nearby residents.

## **Reasons**

### *Effect on the character and appearance of the Conservation Area*

10. The appeal properties are located within the Durham (City Centre) Conservation Area, part of which is a designated World Heritage Site although this does not include, as far as I have been made aware, the area around the appeal properties. The area is characterised by a medieval core centred on the cathedral and castle with later, terraced, housing beyond. It is claimed by an interested party that the appeal properties are subject to an Article 4 (2) Direction but this is not substantiated by the Council and is disputed by the appellants.
11. Of the three appeal properties only No 8 retains its original architectural integrity to the front elevation with the others having undergone alterations such as the installation of pvcU double glazing and cement rendering. All have been altered to some degree at the back. Notwithstanding these alterations, I consider that the appeal properties, along with their neighbours, form an attractive terrace of local architectural significance, that makes a very positive contribution to the character and appearance of the Conservation Area.
12. In my opinion the proposals would be harmful to the character and appearance of the City Centre Conservation Area. In the case of Nos. 7 and 8 this would result in the demolition of all or part of the original offshoots, albeit along with two, later, unattractive, extensions and their replacement with a continuous lean-to extension. As far as No 9 is concerned, the proposal would differ in style from the others insofar as it would not span the full width of the house but would be taller with a gabled frontage. I consider that these proposals would dominate the small dwellings and would appear out of scale as they would occupy a large part of the yard space.
13. Although situated to the rear of the appeal properties, the proposals would be visible from the open space at the back of the appeal properties which, according to the interested parties, functions as a communal garden. Despite being at a lower level relative to the open space the proposals would in my opinion, appear visually intrusive and would fail to enhance or preserve the character and appearance of the City Centre Conservation Area.
14. In addition, I consider that the windows inserted at the front of Nos. 8 and 9 are detrimental to the character of the host buildings as they disrupt the rhythm and proportion of the front elevations of these houses and detract from the positive contribution they make to the character and appearance of the

Conservation Area. Accordingly, the proposals would conflict with LP Policies E5A, E6 and E22.

*Effect on living conditions*

15. The Council is concerned that that the proposals would lead to the increased occupation of the dwellings by students that would have an adverse impact upon the amenity of existing occupiers of nearby properties. The Council confirms, however, that none of the proposals would require change of use planning permission or constitute a house in multiple occupation.
16. While I note the assertions of interested parties that the proposals, amongst other concerns, would impinge on the privacy of adjoining properties and increase the occupancy of a small number of properties to the point where the number of inhabitants would have a severe adverse impact on the local environment, no evidence has been submitted by the Council or others to substantiate these claims.
17. In these circumstances I consider that it has not been demonstrated that the proposals would harm the living conditions of the occupants of nearby dwellings. In any event, should it become necessary, it seems to me that this is a matter that could be dealt with under housing and environmental health legislation. Accordingly, I consider that the proposals would not conflict with LP Policies H9 and Q9.

**Conclusion**

18. While I consider that it has not been demonstrated that the proposals would be harmful to the living conditions of the occupants of neighbouring dwellings this is not sufficient to overcome the harm I have identified to the character and appearance of the Durham City Centre Conservation Area. I have taken account of all the matters raised, including the Officer's report and the claim that an attempt to have the appeal properties listed failed, but find nothing to change my mind. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should fail.

**Formal decisions, Appeals A, B, C, D and E**

19. I dismiss the appeals.

*Richard McCoy*

INSPECTOR



# Appeal Decision

Site visit made on 25 September 2007

by **Christopher John Checkley**  
BA(Hons) MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
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Bristol BS1 6PN

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**Decision date:**  
**9 October 2007**

**Appeal Ref: APP/Z1320/A/07/2044298**

**50 Oatlands Way, Pity Me, Durham, DH1 5GL**

- 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 Mrs Sarah Doran against the decision of the Council of the City of Durham.
- The application Ref 4/07/00021/FPA, dated 29 December 2006, was refused by notice dated 22 March 2007.
- The development proposed is change of use of land and erection of boundary fence.

## Decision

1. I dismiss the appeal.

## Main issue

2. The determining issue is the effect of the proposed development upon the appearance and character of the area

## Reasons

3. The scheme involves both the change of use of the land from public open space to residential curtilage and the erection of a fence (details to be determined) along the new boundary.
4. The appeal site is a strip of landscaped amenity land a little over 20m long and around 3.6m wide (about 72 sq m in area) forming part of an attractive larger area of public open space/amenity land that adjoins the detached house at the head of the cul-de-sac. The larger open area slopes down generally from north to south and from west to east and includes a public footpath between the head of the cul-de-sac and a major segregated footpath route through the residential estate. The open space is partly laid to grass but has dense tree planting on its eastern section and some shrub planting adjoining the existing garden fence of the appeal property to the west.
5. The appeal site comprises part of one area within a series of linked landscaped areas/open amenity spaces extending from a major segregated landscaped walkway through this modern open-plan housing estate. The landscaped open space network appears to have been carefully planned. In my opinion, the open spaces with their mature planting, grass and footpath links into the housing areas contribute significantly to the attractive appearance and landscaped character of the open-plan residential area as a whole.

6. At present the width and elevated openness of the amenity space allows for relatively wide-angled vistas from the upper ground down over the rooftops, and also provides an attractive tree-lined backdrop to views northwards up the slope. I consider that this open space is likely to be appreciated by most users of the well-used footpaths that form a junction here. However, I consider that the proposed scheme would significantly reduce the width and visual value of this prominent and well-frequented open space.
7. I have taken account of all the matters raised, including the appellant's desire for a larger garden, and her offer to erect a low fence and relocate the affected planting and then to maintain the remainder of the public open space. I consider that very few residents would consider the area in question to be a waste land and an eyesore as the appellant describes it, but that most would consider it to be a community asset. Although the Council agreed in principle to sell the land this does not obviate the separate requirement to obtain planning permission. I find that none of these or any of the other matters raised has been sufficient to outweigh the harm I have identified above.
8. I conclude that the appeal scheme would detract from the attractive appearance and landscaped character of the open space that forms part of a planned network, diminishing its important visual contribution to the local area and its amenity value for local residents. This would be contrary to the provisions of Policy E5A of the City of Durham Local Plan (adopted in May 2004) that does not permit developments that detract from open spaces which possess important functional, visual or environmental attributes and which contribute to the character of the settlement or to the small scale character of an area. Therefore, the appeal must fail.

*C J Checkley*  
Inspector

**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 28 September 2007**

**WEEK NO.36/2007**

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

Number and Applicant	Location	Proposal
07/00191/FPA 3R Land And Property Ltd	88 Claypath Durham DH1 1RG	Change of use of property from A1 (retail) to A2 (financial and professional services) including unilateral undertaking
07/00565/FPA Anchor Trust	6, 8, 32, 34, 36, 38 And 40 Durham Gardens Witton Gilbert Durham DH7 6RP	Provision of level access ramps to existing dwellings
07/00709/FPA Mr E Henderson	6 Thrushcross Place Gilesgate Moor Durham DH1 1PA	Retention of conservatory to rear elevation of existing dwelling
07/00710/FPA Mr A Taylor	59 Pringle Place New Brancepeth Durham DH7 7JD	Erection of conservatory to side elevation of existing dwelling
07/00750/LB Mr R Anderson	East Farm Sunderland Bridge Durham DH6 5HD	Conversion of existing stable to form part of a residential unit
07/00787/OUT Mr G W Taylor	Land South Of Donorosa Front Street Kelloe Durham DH6 4PE	Outline application for erection of 5 no. dwellings including means of access
*07/00790/FPA Durham Gilesgate Sports College	Former Durham F A Offices Riverdale The Sands Durham DH1 1JZ	Change of use of existing building to non-residential education and training centre

07/00798/FPA H Sedgewick Partnership	105 High Street North Langley Moor Durham DH7 8JH	Change of use and conversion of existing student accommodation to form 3 no. apartments including insertion of new and replacement windows to rear elevation
07/00801/LB W Forster	94D Gilesgate Durham DH1 1JA	Installation of replacement door, frame and canopy to front elevation of existing dwelling
07/00817/FPA Northumbrian Water Ltd	New College Durham Framwellgate Moor Durham DH1 5ES	Erection of control kiosk and installation of plastic reinforced grass vehicle standing in association with flood alleviation works
07/00821/FPA Ms M Haley	31 Barrasford Road Newton Hall Durham DH1 5NB	Erection of pitched roof to front elevation and to existing garage
07/00824/FPA A Warrilow	24 Hall Gardens Sherburn Durham DH6 1EB	Erection of two storey pitched roof extension to side of existing dwelling (revised and resubmitted)
07/00834/FPA J Turner	6 Crossgate Durham DH1 4PS	Erection of solar panel to rear roof slope of existing dwelling
07/00838/AD Lloyds TSB	Lloyds TSB 4 Station Avenue Esh Winning Durham DH7 9HW	Erection and display of non-illuminated fascia advertisement and 2 no. externally illuminated projecting signs
07/00849/FPA Enterprise Inns Plc	The Newton Hall Carr House Drive Newton Hall Durham DH1 5LT	Erection of enclosed timber deck with 2 no. fixed awnings to side of existing public house

\* Determined under Chairman and Vice Chairman Delegated Authority

**Applications recommended for conditional approval – conditions**

4/07/00191/FPA

T1            Time Limit Full Approval 2004  
DT7A        Complete Accord

4/07/00565/FPA

T1            Time Limit Full Approval 2004  
DT7A        Complete Accord

4/07/00709/FPA

T1            Time Limit Full Approval 2004  
DT7A        Complete Accord  
DT19        Obscure Glazing

4/07/00710/FPA

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

4/07/00750/LB

T1            Time Limit Full Approval 2004  
DT11        Fenestration Details  
DT12        Windows in Reveal  
DT13        Sash Windows  
DT29        Fenestration Joinery Details  
DT4         External Materials  
DT5         Materials Sample  
DT31        Rainwater Goods  
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 location, size and position of the proposed conservation roof lights shall be submitted at scale 1:50 and approved in writing by the Local Planning Authority prior to development commencing, and thereafter implemented in accordance with the approved plans.

Notwithstanding the information shown on the submitted plans precise details of the proposed design, materials and method of construction for the ground

floor entrance door and first floor boarded opening shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority prior to development commencing, and thereafter implemented in accordance with the approved plans.

Notwithstanding the information shown on the submitted plans precise details of the proposed mortar mix and re-pointing methodology, 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 a sample area of the proposed re-pointing works shall be made available for inspection by the Local Planning Authority.

Notwithstanding the information shown on the submitted plans precise details of any stone repair or restoration work shall be submitted to and approved in writing by the Local Planning Authority and a sample panel made available for inspection, following removal of the existing render.

#### 4/07/00787/OUT

T2	Time Limit Outline Approval 2004
DT2	Outline Permission Specific Details Res
DT4	External Materials
DT8	Enclosure Details to be Agreed
DT10	Hardstanding Surface Materials
LA2	Landscaping Scheme Full Reserved Matter
DT35A	Slates
NS1	Scheme for Protection from Noise
RU10	Restriction of Working Hours

#### 4/07/00790/FPA

T1	Time Limit Full Approval 2004
DT7A	Complete Accord

The education and training centre hereby approved shall not be open outside the hours of 07:30 and 18:00 Monday to Friday and shall not be open at any time on any Saturday, Sunday or Public Holiday.

#### 4/07/00798/FPA

T1	Time Limit Full Approval 2004
DT7A	Complete Accord

#### 4/07/00801/LB

T1	Time Limit Full Approval 2004
DT4	External Materials
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 painted finish to both the door and canopy shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.

4/07/00817/FPA

T1 Time Limit Full Approval 2004  
DT20 Painted Finish  
DT7A Complete Accord

4/07/00821/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00824/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT19 Obscure Glazing  
DT7A Complete Accord

4/07/00834/FPA

T1 Time Limit Full Approval 2004

4/07/00838/AD

TL3 Advert Approvals

4/07/00849/FPA

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



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 12 October 2007**

**WEEK NO. 37/2007**

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

Number and Applicant	Location	Proposal
*07/00764/LB Ms J Stobbs	38 Old Elvet Durham DH1 3HN	Internal and external alterations including insertion of new timber doors, replacement cills, removal of stud partition walls and formation of doorways in connection with change of use and conversion of building to form 6 no. apartments and office
*07/00765/FPA Ms J Stobbs	38 Old Elvet Durham DH1 3HN	Change of use and conversion of building to form 6 no. apartments and office
*#07/00785/FPA S B Pearson	Stable Yard The Swallows Waterhouses Durham DH7 9BQ	Retention of steel storage container and hardstanding
07/00793/FPA Mr And Mrs Lowden	Castle Lodge The Village Brancepeth Durham DH7 8DE	Erection of single storey glazed timber structure to rear of existing dwelling
07/00794/LB Mr And Mrs Lowden	Castle Lodge The Village Brancepeth Durham DH7 8DE	Erection of single storey glazed timber structure to rear of existing dwelling
*07/00822/FPA Mr And Mrs R Dutton	24 Albert Street Durham DH1 4RL	Alteration and extension to existing garage to provide first floor residential studio for occupation by family member and guests in

		connection with main dwelling
07/00855/TPO Mr Garnham	57 Albert Street Durham DH1 4RJ	Crown reduction by 20% to lime tree at rear of existing dwelling and removal of deadwood

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

Number and Applicant	Location	Proposal
07/00493/FPA MDP Development Ltd	23 Dryburn Road Framwellgate Moor Durham DH1 5AJ	Erection of two storey pitched roof extension to side elevation of existing dwelling, single storey pitched roof extensions to front and rear elevations and proposed decking
07/00514/FPA MDP Developments Ltd	22 Dryburn Road Framwellgate Moor Durham DH1 5AJ	Erection of two storey pitched roof extension to side elevation of existing dwelling, single storey pitched roof extensions to front and rear elevations and proposed decking
*07/00693/FPA Goran/Taylor/Jaggard/Shepherd/Dobson/Rasmussen	Land To South Of Ferens Park Durham	Change of use of open space to private gardens
07/00711/FPA The Salvation Army THQ	Salvation Army Hall 101 High Street North Langley Moor Durham DH7 8JH	Formation of new entrance and insertion of 2 no. windows to existing entrances to front of existing building and erection of 1.8m high metal fence to rear elevation
07/00733/FPA Mr P Kemmett	1 George Street Nevilles Cross Durham DH1 4PA	Removal of existing garage and erection of single storey pitched roof garage to rear of existing dwelling
07/00734/LB University Of Durham	Old Fulling Mill The Banks Durham DH1 3EB	Internal and external cabling, ducting and junction boxes for data networking system

07/00766/FPA Boots The Chemist	Boots Unit B Arnison Retail Centre Pity Me Durham DH1 5GB	Erection of air condenser units with associated access steps and enclosure
07/00767/LB Mr R W Walker And Mrs R Hearnden	New Ivesley Farm Ivesley Lane Waterhouses Durham DH7 9HD	Conversion of existing attached stable building to form habitable accommodation with external and internal alterations, and conversion of garage to habitable room with associated external and internal alterations
07/00780/FPA M Wilkinson	Dog And Gun Inn Auton Stile Bearpark Durham DH7 7DB	Erection of canopy for use as smoking shelter at rear of existing public house
07/00791/FPA Mr L Smurthwaite	5 Summerville Durham DH1 4QH	Demolition of existing single storey rear offshot and partial demolition of rear yard wall in association with the erection of 2 no. single storey pitched roof extensions to rear of existing dwelling and insertion of 3 no. rooflights to rear
07/00805/FPA Mr K Milburn And H McKenna	Unit 2 St Johns Road Meadowfield Industrial Estate Durham DH7 8TZ	Change of use of existing warehouse building to provide indoor climbing leisure facility
07/00807/AD Royal Bank Of Scotland Group	30 - 31A High Street Durham DH1 3UL	Erection and display of 1no. non-illuminated fascia sign to front elevation of existing building, and 2 no. non-illuminated double-sided projecting sign
07/00808/FPA Royal Bank Of Scotland Group	30 - 31a High Street Durham DH1 3UL	Alterations to front elevation of existing building including formation of new entrance and provision of ATM and external light

07/00815/CAC Mr P Kemmett	1 George Street Nevilles Cross Durham DH1 4PA	Demolition of existing garage and section of boundary wall in connection with the erection of replacement garage
07/00816/FPA Mr H Villers	Plot 1 Land To West Of South Street Durham	Erection of single storey flat roof extension with roof terrace at rear of existing dwelling
*07/00820/FPA Adderstone Group	1 St Hilds Lane Durham DH1 1QL	Change of use and conversion of existing dwelling to provide 3 no. apartments including erection of two storey pitched roof extension to side of existing dwelling and associated works (revised and resubmitted)
07/00823/FPA Mr And Mrs Hardman	36 Murrayfield Drive Brandon Durham DH7 8TG	Erection of conservatory to rear elevation of existing dwelling
07/00837/FPA Bells Stores Ltd	Units 1-3 Grove Road Brandon Durham DH7 8AW	New shopfront with automatic door, erection of flat roof over existing yard together with 2.0 metre high gates and condenser units, and blocking up of existing openings to side and rear
*07/00839/FPA Health Care Properties (Oxford) Ltd	Hollygarth House Brandon Lane Brandon Durham DH7 8SH	Demolition of residential home and construction of 46 bedroom residential care home
07/00840/FPA Mr I T Hutchinson	3 Moor Edge Brandon Durham DH7 8AE	Erection of two storey pitched roof extension to side of existing dwelling with front elevation dormer and porch to front

07/00841/FPA Satellite Information Services	Co Operative Retail Services Prince Charles Avenue Bowburn Durham DH6 5DJ	Erection of satellite dish to front elevation of existing building
07/00843/FPA Shincliffe Womens Institute	Shincliffe Womens Institute Shincliffe Village Durham DH1 2PB	Replacement UPVC windows to existing building
07/00848/FPA Mr C P Hudson	20 Ryelands Way Pity Me Durham DH1 5GR	Erection of single storey pitched roof extension to rear of existing garage
07/00851/FPA Mr A Lynn	54 Park Avenue Coxhoe Durham DH6 4JN	Erection of single storey pitched roof extension to rear of existing dwelling
07/00852/FPA Mr K Whitfield	Wellsprings Farm Hartside Durham DH1 5RJ	Change of use from stable to residential accommodation for family use ancillary to main dwelling
*07/00853/FPA O2 (UK) Ltd	Framwellgate And Pity Me Working Mens Club Front Street Framwellgate Moor Durham DH1 5EE	Erection of 7m high 2G flagpole telecommunications mast to south gable end of building to a maximum height of 14.3m above ground level with associated cable tray and single equipment cabinet (revised scheme)
07/00861/AD Body Shop	27 - 28 Silver Street Durham DH1 3RD	Erection and display of non- illuminated advertisement to existing shop fascia and 1 no. non-illuminated projecting sign
07/00873/FPA Mr G Burke	182 Devonshire Road Belmont Durham DH1 2BL	Erection of pitched roof extension to garage and front elevation of existing dwelling

07/00874/VOC Marks And Spencer Plc	Marks And Spencer Unit J Arnison Retail Centre Pity Me Durham DH1 5GB	Variation of condition 1 of approval 4/06/1077 to extend temporary period to between 1 November to 31 January on an annual basis until January 2009
07/00885/FPA Mr And Mrs Grooms	Land At Ragpath Cottage Esh Winning Durham DH7 9QE	Erection of replacement dwelling (revised and resubmitted)
07/00887/AD Mr G Kirkup	G And S Newsagents Broom Lane Ushaw Moor Durham DH7 7LQ	Erection and display of 1 no. non-illuminated fascia sign and 1 no. internally illuminated projecting sign
07/00902/FPA Electricity Supply Nominees	Unit 1 Arnison Retail Park Pity Me Durham DH1 5GF	Creation of additional 811sqm mezzanine retail floor space, and insertion of new shopfront

\* Determined under Chairman and Vice Chairman Delegated Authority

# Authority is sought to pursue enforcement action to secure the removal of the storage container from the site.

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

Number and Applicant	Location	Proposal
07/00912/CM Durham County Council	Elemore Hall School Elemore Hall Littletown Durham DH6 1QQ	Proposed Listed Building consent for repairs to stonework in various locations

The City Council raise no objection subject to samples of any proposed replacement stonework, mortar and style of re-pointing being provided. Exact details of what is meant by de-scaling of stonework and the proposed treatment and support to the existing balcony structures. Exact details are also required of the proposed crack stitching to the exterior of the building.



**Applications recommended for refusal – reasons**

4/07/00764/LB

The proposed internal and external alterations by virtue of their scale and appearance would fail to preserve or enhance the character and appearance of the Grade II Listed Building and the surrounding Conservation Area, and would therefore be contrary to Policies E23 and E22 of the City of Durham Local Plan 2004.

4/07/00765/FPA

The Local Planning Authority considers that the proposed development would fail to be in conformity with the requirements for a sequential approach to all proposed developments as identified within Planning Policy Statement 6: Planning for Town Centres and would therefore be contrary to the requirements of Policies EMP12, EMP13 and EMP14 of the City of Durham Local Plan 2004.

4/07/00785/FPA

The Local Planning Authority considers that the steel storage container used in association with domestic stabling is of a scale and materials which are harmful to the character and appearance of the open countryside and is therefore contrary to Policies E7 and R17 of the City of Durham Local Plan 2004.

4/07/00793/FPA

The proposed single storey glazed timber structure/Orangery by virtue of its scale and appearance would fail to preserve or enhance the character and appearance of the Grade II Listed Building and the surrounding Conservation Area, and would therefore be contrary to Policies E23 and E22 of the City of Durham Local Plan 2004.

4/07/00794/LB

The proposed single storey glazed timber structure/Orangery by virtue of its scale and appearance would fail to preserve or enhance the character and appearance of the Grade II Listed Building and the surrounding Conservation

Area, and would therefore be contrary to Policies E23 and E22 of the City of Durham Local Plan 2004.

4/07/00822/FPA

The Local Planning Authority considers that the extensions and alterations to garage by virtue of the incorporation of the flat roofed element is considered to be of an unsympathetic and inappropriate design which fails to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore considered to be contrary to the requirements of Policies Q9, E6 and E22 of the City of Durham Local Plan 2004.

The Local Planning Authority considers that the proposed fenestration on western elevation by virtue of two window openings of excessive scale and the differing style of the head and cill detailing between windows is considered to be inappropriate in design terms and fails to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore considered to be contrary to the requirements of Policies E6 and E22 of the City of Durham Local Plan 2004.

4/07/00855/TPO

The mature lime tree lies within the City of Durham Conservation Area and makes a positive contribution to the visual amenity of the area. As such works to the tree should be restricted to essential works by virtue of the condition of the tree or good arboricultural practice. The proposal to crown reduce the mature tree by 20% has not been supported by a conditions survey or a comprehensive supporting statement. As such there is no substantive justification for undertaking the works. The application to crown reduce the tree is therefore not considered acceptable and the proposal is considered to be contrary to Policies E14 and E22 of the City of Durham Local Plan 2004.

**Applications recommended for conditional approval – conditions**

4/07/00493/FPA

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

The mature silver birch labelled 1B on submitted drawing no A received 3rd September 2007 shall be protected in line with BS:5837:2005 and in accordance with the details within the submitted arboricultural implication assessment received 3rd September. The tree shall remain protected as such until the cessation of building works.

The works to silver birch labelled 1B on submitted drawing no. A received 3rd September 2007 shall only include the following:  
Pruning to create 1.5m clearance between the edge of the crown and dwelling

The works to silver birch labelled 2R on submitted drawing no. A received 3rd September 2007 shall only include the following:  
Removal of the tree

4/07/00514/FPA

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

4/07/00693/FPA

T1 Time Limit Full Approval 2004

Prior to the commencement of development and notwithstanding the submitted information, the precise hedging details including number, height and species, and post and wire fence to be erected on the site shall be agreed in writing with the Local Planning Authority and implemented thereafter in accordance with the agreed scheme

Prior to the commencement of development and notwithstanding the submitted information, the scope of the works required to level the site shall be submitted to and agreed in writing with the Local Planning Authority and development shall take place in accordance with the agreed scheme thereafter

Notwithstanding the provisions of Article 3 and Classes E, F and G 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

4/07/00711/FPA

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

Before works commence on site, details of the colour treatment of the new fencing must be submitted to and agreed by the Local Planning Authority. Once agreed the new fencing must be colour treated within two months following installation to the satisfaction of the Local Planning Authority

4/07/00733/FPA

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

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

4/07/00734/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, full details of the proposed data networking equipment, to include details of cable runs, methods of attachment, materials, and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

4/07/00766/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord

Details of any fences, walls or other means of enclosure 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.

4/07/00767/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, details of all materials to be used with regards to the under floor heating system and the standard of their finish 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.

4/07/00780/FPA

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

4/07/00791/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT34A Timber Windows  
DT35A Slates  
DT12 Windows in Reveal  
DT7A Complete Accord

Notwithstanding the information shown on the submitted plans the proposed rooflights in southern elevation shall be conservation rooflights and shall finish flush with the roofline. The details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme.

Notwithstanding the information shown on the submitted plans the rear boundary wall and access door shall be reinstated on completion of works in accordance with details which shall be submitted on a 1:50 scale plan and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme.

4/07/00805/FPA

T1 Time Limit Full Approval 2004  
RU6 Restriction of Use Class

4/07/00807/AD

TL3 Advert Approvals

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

4/07/00808/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials

Notwithstanding the information shown on the submitted plans the external light shall be painted black and thereafter retained as such.

4/07/00815/CAC

T1 Time Limit Full Approval 2004

Development of the site with an approved development scheme shall be undertaken within 6 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to an approved by the Local Planning Authority, said scheme being implemented within 6 months of the clearance of the site.

4/07/00816/FPA

T1 Time Limit Full Approval 2004

Materials, finishes and opening reveals shall replicate those approved for the main house within the terms of planning consent 4/03/843.

4/07/00820/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
LA5 Protection of Trees Hedges during Const  
DT5 Materials Sample  
DT10 Hardstanding Surface Materials  
DT11 Fenestration Details  
DT12 Windows in Reveal

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. No further subdivision of the accommodation approved, or use of rooms not demarked as bedrooms on the plans for such shall be implemented without the grant of

further express consent by the Local Planning Authority. Likewise the extent and layout of the parking area may not be altered from that approved without the grant of express consent for such by the Local Planning Authority.

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

4/07/00823/FPA

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

4/07/00837/FPA

T1 Time Limit Full Approval 2004

Notwithstanding the details shown on the submitted plan and before the development commences full details of all the materials, finish and colour to be used on the render, gates and any other alteration on the north east side elevation shall be submitted to the Local Planning Authority and approved in writing. Furthermore notwithstanding the details on the submitted plan this permission shall not relate to the rendered finish on the central rendered panel. Full details of this alteration with a brick finish to match the brickwork on the existing building shall be submitted to the Local Planning Authority and approved in writing. The alterations shall then be completed in accordance with the approved details.

4/07/00839/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT8 Enclosure Details to be Agreed  
DT10 Hardstanding Surface Materials  
DT12 Windows in Reveal  
LA2 Landscaping Scheme Full Reserved Matter  
LA5 Protection of Trees Hedges during Const

No development shall take place unless in accordance with the mitigation measures detailed within Section E of the protected species report (A Wildlife Survey of Rushyfields Care Home, Brandon by E3 Ecology Ltd, 21 July 2007) including, but not restricted to, adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys; and adherence to precautionary working methods.

4/07/00840/FPA

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

4/07/00841/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord

4/07/00843/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord

4/07/00848/FPA

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

4/07/00851/FPA

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

4/07/00852/FPA

TL1 Time Limit Full Approval

The stable hereby approved for conversion for residential occupation shall only be used as accommodation ancillary to the main Wellsprings Farm dwelling, and shall not be occupied as an independent dwelling nor enjoy a separate residential curtilage.

4/07/00853/FPA

T1 Time Limit Full Approval 2004

Notwithstanding the information submitted with the application full details of the means of covering and finish of the feeder cable tray and equipment cabinet shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and implemented in accordance with these details thereafter.

4/07/00861/AD

TL3 Advert Approvals  
DT4 External Materials



4/07/00873/FPA

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

4/07/00874/VOC

Condition 1 is hereby varied to read as follows:

This permission is given for a temporary period for the siting of a refrigerated container within the rear goods yard until 31 January 2009. Within this period the container may be sited between 1 November and 31 January annually and outside such time the building/ works carried out under the permission shall be removed and the land reinstated to its former condition.

4/07/00885/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials

Notwithstanding the information submitted on the application a scheme to include a marked layout plan shall be submitted to and approved in writing by the Local Planning Department depicting what and where nature conservation works will be undertaken. These works shall be completed in full within twelve calendar months of the demolition of the existing dwelling.

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

4/07/00887/AD

The double sided illuminated projecting sign hereby approved shall be illuminated between the hours of 07.30am and 21.00pm Monday to Sunday only.

4/07/00902/FPA

T1 Time Limit Full Approval 2004



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 18 October 2007**

**WEEK NO.38/2007**

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

Number and Applicant	Location	Proposal
07/00713/FPA First Class Trade Windows	First Class Trade Windows Graham House Damson Way Dragonville Industrial Estate Durham DH1 2RE	Change of use of land for the positioning of mobile catering trailer
*07/00752/FPA Hope Estates	50 Whinney Hill Durham DH1 3BD	Erection of 1 no. dwellinghouse
07/00833/FPA Mr And Mrs A Wynn	Land Adjacent 5 Midhill Close Brandon Durham DH7 8SL	Erection of 1 no. two storey dwellinghouse
07/00928/FPA Mr Adams	1 Leyland Close Bowburn Durham DH6 5DD	Erection of conservatory to rear of existing dwelling

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

Number and Applicant	Location	Proposal
07/00762/FPA Mr And Mrs Bell	3 Lansdowne Crescent Bowburn Durham DH6 5BL	Erection of conservatory to rear of existing dwelling
07/00769/FPA Mr J Dobinson	1 Blackgate West Coxhoe Durham DH6 4AJ	Erection of single storey pitched roof extension to side/rear of existing dwelling and conversion of garage to habitable room

*07/00781/LB R And D Hall	1 Riverside Lodge Burn Hall Durham DH1 3SS	Creation of new vehicular access with timber gates within existing brick boundary wall to north of existing dwelling
07/00835/FPA A Degortes And F Mariucci	80 Front Street Sherburn Durham DH6 1HD	Change of use from restaurant to dwellinghouse
07/00842/FPA Ms J Stobbs	19 Sutton Street Durham DH1 4BW	Erection of three-storey pitched roof extension to rear of existing dwelling
*07/00856/AD CWS Retail Financial Services	Co Operative Food Store Auton Stile Bearpark Durham DH7 7AA	Erection and display of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign to front of existing building, 2 no. non-illuminated signs to north west elevation, 1 no. non-illuminated sign to south east elevation, 2 no. non-illuminated signs to rear elevation, and 7 no. non-illuminated signs to car park at rear of building
07/00857/COL T B Patterson And K Patterson	2 Eshwood Gardens Eshwood Estate New Brancepeth Durham Durham DH7 7HG	Application for certificate of lawful use for continued use of extended original dwelling as self contained dwelling
*07/00858/FPA Mr And Mrs Poole	56 Ashbourne Drive Coxhoe Durham DH6 4SW	Conversion of garage to habitable accommodation and erection of detached pitched roof garage to front of existing dwelling
*07/00859/FPA Mr Lewis	Red Lion Cottage Shincliffe Durham DH1 2NJ	Erection of first floor pitched roof extension and 2 no. single storey extensions to rear of existing dwelling, and insertion of 3 no. rooflights to rear

07/00888/FPA  
Instore PLC

In Store  
Unit E  
Arnison Retail Centre  
Pity Me  
Durham  
DH1 5GB

Creation of additional  
372sqm mezzanine retail  
floor space

07/00926/FPA  
Mrs Ayre

10 Red Courts  
Brandon  
Durham  
DH7 8QN

Erection of two storey  
pitched roof extension to  
side of existing dwelling and  
single storey pitched roof  
extension to rear (revised  
and resubmitted)

\* Determined under Chairman and Vice Chairman Delegated Authority



**Applications recommended for refusal – reasons**

4/07/00713/FPA

In the opinion of the Local Planning Authority the mobile catering unit is proposed to be located on the adopted highway which is considered to prejudice the free flow of traffic, and restrict manoeuvring and visibility within the industrial estate, contrary to Policy T1 and S10 of the adopted City of Durham Local Plan 2004.

4/07/00752/FPA

The proposed new dwelling will result in a density and pattern of development harmful to the character and appearance of the surrounding area contrary to Policies Q8, H2, H10, H13 and E6 of the City of Durham Local Plan 2004.

The scale, design and massing of the proposed development will appear incongruous to the host dwelling resulting in an unsympathetic form of development contrary to Policies Q8, H2, H10, H13 and E6 of the City of Durham Local Plan 2004.

The proposed new dwelling would fail to preserve or enhance the character and appearance of the Durham (City Centre) Conservation Area, due to the location, scale, massing, form and design of the dwelling, which would fail to reflect the form and details of development in the immediate area. The proposal is therefore contrary to Policy E6 of the City of Durham Local Plan 2004.

The windows in the north and west elevations of the proposed dwelling will remove privacy from the adjacent and surrounding occupiers harmful to their amenity and enjoyment of their dwelling houses contrary to Policies Q8, H10 and H13 of the City of Durham Local Plan 2004.

The parking arrangements in the street for existing residents are to capacity down all one side of the street just allowing enough space for access. No provision has been made to guarantee the required 1.5 spaces per dwelling to the rear of the property as no licence has been gained to use the rear lane therefore no acceptable level of parking is provided contrary to Policy T10 of the City of Durham Local Plan 2004.

4/07/00833/FPA

In the opinion of the Local Planning Authority the proposed new dwelling is considered to be overdevelopment of the site due to the design of the dwelling including a two storey element which will visually dominate the adjacent bungalow. In addition the reduction in the size of the garden area for the existing bungalow which will be detrimental to the residential amenity of the bungalow and provide a garden area which is not commensurate with the size of the dwelling. For these reasons the development is not considered acceptable and is contrary to Policy Q8 of the City of Durham Local Plan 2004.

In the opinion of the Local Planning Authority the proposed dwelling will be detrimental to the street scene by virtue of the design of the building incorporating a two storey element to the rear of the single storey host property, loss of the established tree screen to the north of the site, and the new two storey element of the building being located on the boundary of the site adjacent to the recreation field. For these reasons the development is not considered acceptable and is contrary to Policy Q8 of the City of Durham Local Plan 2004.

In the opinion of the Local Planning Authority the proposed dwelling does not provide an adequate level of residential amenity in respect of the distance from the proposed main aspect dining area and lounge windows on the north elevation of the property to the boundary of the site. In addition the land to the north of this site lies within the settlement boundary and the proposed windows would potentially sterilize this land from further development. For these reasons the development is not considered acceptable and is contrary to Policy Q8 of the City of Durham Local Plan 2004.

4/07/00928/FPA

The proposed conservatory will appear overbearing and intrusive with a further loss of daylight harmful to the residential amenity of the adjoining occupier contrary to Policy Q9 of the City of Durham Local Plan 2004.



**Applications recommended for conditional approval – conditions**

4/07/00762/FPA

T1 Time Limit Full Approval 2004  
DT3 Finish of Materials

4/07/00769/FPA

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT7A Complete Accord  
RU3 Occupation by Dependent Relative

4/07/00781/LB

T1 Time Limit Full Approval 2004  
DT4 External Materials  
DT5 Materials Sample  
DT8 Enclosure Details to be Agreed  
DT10 Hardstanding Surface Materials  
LA4 Retention of Existing Trees and Hedges  
LA5 Protection of Trees Hedges during Const  
LB2 Examination of Hidden Features

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

Notwithstanding the information shown on the submitted plans precise details of the proposed design for the entrance gates within both existing and proposed openings shall be submitted at scale 1:50 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 design and scale of the proposed vehicular access shall be submitted at scale 1:50 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 design, scale and appearance of the proposed vehicular access drive shall be submitted at scale 1:50 and approved in writing by the Local Planning Authority before development commences, and thereafter implemented in accordance with the approved scheme.

4/07/00835/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord

4/07/00842/FPA

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

4/07/00856/AD

TL3 Advert Approvals  
DT7A Complete Accord

4/07/00858/FPA

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

4/07/00859/FPA

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

Notwithstanding the information shown on the submitted plans the proposed rooflights in northern elevation shall be conservation rooflights and shall finish flush with the roofline. The details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme.

4/07/00888/FPA

T1 Time Limit Full Approval 2004  
DT7A Complete Accord

4/07/00926/FPA

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

## List of Approvals

From 27/09/2007 to 19/10/2007

Number and Applicant	Location	Proposal
07/01320/DRO Mr Bassi	17 May Lea Witton Gilbert Durham DH7	Attic Conversion
07/02630/DEX S Grierson	Gardeners Cottage Darlington Road Durham City DH1 4PH	2 storey extension
07/02631/OTHC ING Retail Fund,	Unit 25 The Gates Shopping Centre Durham City DH1 4SJ	Split unit and remove
07/02637/DEX Mr Nicholas	28 Archery Rise Durham City DH1 4LA	Family room and internal alterations
07/02639/DEX Mr Neil Leck	45 Devonshire Road Belmont Durham DH1 2BJ	1st floor extension to form study, extension to bathroom, front porch and conservatory
07/02641/DRO Hope Estates	11 Wanless Terrace Durham City DH1 1RU	Attic conversion and internal alterations
07/02644/DEX Mr & Mrs Jackson	29 Bishops Way Pity Me Durham DH1 5DB	Erection of two storey
07/02647/PARTNR Durham County Council	Copeland Road Primary School West Auckland County Durham DL14 9JJ	Replacement of covered walkway and DDA works
07/02650/DEX Mr S Dower	67 Rowan Drive Brasside Durham DH1 5YE	Side & Rear single storey extension
07/02651/DGA Mr & Mrs Kent	10 Springwell Road Durham City DH1 4LR	Extension to existing garage
07/02652/DOM Haslam Homes Ne Ltd	Land At Commercial Street Brandon Durham	42 No Houses

Number and Applicant	Location	Proposal
07/02656/PARTNR Durham County Council	Trimdon Grange Community Centre Kielder Drive Trimdon Grange County Durham	Replacement of roof coverings to flat and pitched
07/02657/PARTNR Mr Weighill	17 Highsteads Medomsley Consett County Durham DH8	Sun Room Extension
07/02669/PARTNR Mr Doyle	11 Warkworth Drive Chester-le Street Co Durham	Bedroom Extension
07/02672/DEX Mr Holloway	Montrose Nevilles Cross Bank Durham City Durham DH1 4JP	Bedroom & Bathroom
07/02673/DEX Mrs Jones	Percy Lodge Percy Lane Nevilles Cross Durham DH1 4HE	Tiles Roof & Alterations to Rear Elevation
07/02677/PARTNR Mrs Johnson	5 Cedar Street Waldridge Village Chester-Le- Street County Durham DH2 3SH	Kitchen Extension
07/02690/PARTNR Durham County Council	Chilton Primary School West Chilton County Durham	Proposed alterations to provide new nursery facility

## List of Refusals

From 27/09/2007 to 19/10/2007

Number and Applicant	Location	Proposal	Decision
07/01190/DEX Hope Estates Ltd	13 May Street Durham City DH1 4EN	Erection of double and single storey extension	REJ16
07/01250/DRO Mrs B J Anderson	1 North End Brandon Village Durham DH7 8UN	Loft Conversion	REJ16



# Building Notices

Between 27/09/2007 and 19/10/2007

## Number of cavity wall insulation applications 1

Number and Applicant	Location	Proposal
07/01253/OTHDBN Mr H Walker	The Court Inn Elvet Crescent Durham City DH1 3AW	External canopies to rear
07/02659/ELECBN Mr S Redmond	10 Institute Terrace Bearpark Durham DH7 7AG	Rewire of property
07/02663/OTHDBN Mark Bunting	14 Charlton Court Bowburn Durham DH6 5FB	Convert Garage into Playroom
07/02664/GLAZBN Mr & Mrs Marsden	76 Frederick Street South Meadowfield Durham DH7 8NA	Replacement windows to first
07/02665/GLAZBN Mrs Tulip	43 Moor Crescent Gilesgate Moor Durham DH1 1PB	Installation of four UPVC Double Glazed Windows
07/02670/OTHDBN Jean Langdon	24 Bamburgh Road Newton Hall Durham DH1 5NW	Change flat roof on garage to pitched roof
07/02675/DROBN Philip McGowan	8 Mount Joy Crescent Durham DH1 3BA	Loft conversion & associated works
07/02691/DEXBN Andrew Heron	5 Frensham Way Meadowfield Durham DH7 8UR	2 storey extension
07/02696/OTHDBN Mark Roberts	21 Forster Avenue Sherburn Durham DH6 1EW	Removal of internal ground floor wall
07/02699/OTHDBN Julia Blair	36 Brackenfield Road Framwellgate Moor Durham DH1 5HX	Removal of load bearing wall





# List of Regularisations

From 27/09/2007 to 19/10/2007

Number and Applicant	Location	Proposal
07/02674/GLAZRG Barrie Allport	20 Cummings Avenue Sherburn Durham DH6 1JW	Replacement Double Glazed Windows

