

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 13th December, 2007, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Cowper, Crooks, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Lodge, Marsden, Simmons, Southwell, Stoddart, Taylor, Wolstenholme and Young.

Also Present: Councillors Jackson, Kellett and Turnbull.

407. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Plews, Rae and Walker.

408. MINUTES

The Minutes of the Meeting held on 22nd November, 2007, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

The Chair had agreed to accept as a matter of urgency, and due to the time factor involved, the Supplementary Report of the Director of Strategic Services in relation to the proposed Stopping Up of a footpath at Finchale View, West Rainton.

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

409. PROPOSED STOPPING UP OF FOOTPATH AT FINCHALE VIEW, WEST RAINTON

The Development Control had previously granted consent for the erection of 56 dwellings on the Durham Villages Regeneration disposal site at Finchale View, West Rainton.

It was necessary for the Developer, Haslam Homes, to take steps to formally extinguish all highway rights affecting the development site and during the course of that procedure, it had transpired that part of Footpath 18 traversed the development site and required Stopping Up to enable the development to be carried out.

The City Council was the relevant Order Making Authority for the purpose of Stopping Up public footpaths under Section 257 of the Town & Country Planning Act 1990 for the purpose of enabling development to be carried out in accordance with planning permissions granted by the Council. The Developer had therefore made application to the City Council to Stop Up the relevant part of Footpath 18.

The Highway Authority had indicated that in addition to the Stopping Up of Footpath 18, it would be necessary for the Developer to provide an alternative footpath to link to new footpaths to be constructed within the development site, and accordingly, provision would be made for this within any Order made by City of Durham Council.

Resolved: That an appropriate Order be made under Section 257 of the Town & Country Planning Act 1990 to Stop Up that part of Footpath 18, West Rainton, for the purposes of enabling development to be carried out in accordance with planning permission ref: 07/00360/FPA, as previously approved by the City Council.

410. 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 1st April, 2007, to 30th September, 2007, a copy of which had been placed in the Members' Room.

Resolved: That the report be noted.

Report of Head of Planning Services

411. REPORTS FOR INFORMATION

Note: Councillors Bell, Cowper and Stoddart declared a personal interest in Item (d), Application 07/02742/OTHC and remained in the Meeting during consideration thereof.

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by A Hill – Site at Periwinkle Barn, Low Raisby Farm, Kelloe, Durham, DH6 4PW
 - (ii) Appeal by I Foster – Site at land east of Paradise Cottage, Shadforth, Durham, DH6 1NJ
 - (iii) Appeal by SG Petch – Site at vacant land, New Ferens Park, Broomside Park, Belmont, Durham

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by P Tognarelli – Site at The Old Cottage, Whitesmocks, Durham, DH1 4LL
 - (ii) Appeal by P Stott – Site at land at Old Cassop Farm, Old Cassop, Durham
 - (iii) Appeal by S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS
 - (iv) Appeal by S Hoole – Site at 24 Brookside, Witton Gilbert, Durham, DH7 6RS

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

412. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following application and the following decision were made:-

**07/00875/FPA
Cussins Ltd**

**Brandon and District Social Club and Institute,
Commercial Street, Brandon, Durham
Erection of 21 dwellings, public and private open
space, vehicular highways and parking**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (6) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
- (7) - 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.
- (8) - No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The

- approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
- (9) - No development shall take place until a scheme of proposed levels for all proposed structures and hardstanding areas has been submitted to, and approved in writing by the Local Planning Authority, said development being thereafter constructed wholly in accordance with that approval.
 - (10) - 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, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of Buildings, Open Spaces, or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.
 - (11) - No development shall take place until details of the energy efficiency measures to be included within the scheme have been submitted to and approved in writing by the Local Planning Authority. These measures shall be incorporated into the construction of the development and retained thereafter, the measures being in compliance with the BRE Ecohomes, BREEAM, Building for life and Secured by Design guidance and standards, unless otherwise agreed in writing by the Local Planning Authority.
 - (12) - 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.
 - (13) - The development shall not be initiated by the undertaking of a material operation as defined in section 56(4) (a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act or appropriate agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's

approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.

The Meeting terminated at 5.50 p.m.

Chair

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

10 January 2008

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 P And A Johnson
Site at Quarrington Farm, Old Quarrington, Durham, DH6 5NN

2. Decisions made by the County Council

Applicant No:	CM4/07/990
Applicant:	Durham Sure Start – Durham County Council
Location:	Kelloe Primary School, Front Street, Kelloe, Durham, DH6 4PG
Proposal:	New stand-alone Sure Start children's centre alongside existing school building

The above application was considered by the City Council under delegated powers on 25 October 2007 when it was resolved to offer no objection.

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

Recommendation:

That the report be noted.

Applicant No:	CM4/07/987
Applicant:	Kelloe Village Community Partnership
Location:	Kelloe Primary School, Front Street, Kelloe, Durham, DH6 4PG
Proposal:	Change of use from school playing field to children's play area including installation of play equipment, multi-use games area, wildlife areas, football pitch and landscaping

The above application was considered by the City Council under delegated powers on 26 October 2007 when it was resolved to offer no objection.

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

Recommendation:

That the report be noted.

3. **Planning Applications – Determined under Plenary Powers**
4. **Building Control Applications – Determined under Plenary Powers**
5. **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
ITEM 1			
07/00944/OUT Banks Development Ltd	Mount Oswald Golf Course South Road Durham DH1 3TQ	Business and Research Community in parkland setting, to include offices, 30 executive homes, and associated roads, car parking and landscaping	Refuse
ITEM 2			
07/00872/FPA B H Nelson	Former Builders Yard John Street Durham	Erection of 22 no. apartments in four storey block with associated parking and landscaped open space (revised and resubmitted proposal)	Refuse

ITEM 3

07/00974/FPA B And Q Plc	B And Q Warehouse Unit 1 Durham City Retail Park McIntyre Way Durham DH1 2RP	Change of use and conversion of part of existing A1 DIY store to mixed use of D2 leisure and A1 retail, installation of mezzanine floor (1027sqm) and external alterations to elevations of both existing and proposed units	Refuse
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ITEM 1

07/00944/OUT	Mount Oswald Golf Course, South Road, Durham, DH1 3TQ
Banks Development Ltd	Business and Research Community in parkland setting, to include offices, 30 executive homes, and associated roads, car parking and landscaping

SITE AND APPLICATION DESCRIPTION

The application site lies at the south entrance to Durham City, occupying land currently used as a golf course by Mount Oswald Golf Club.

To the north lies the private housing estate at Merryoaks, separated from the application site by the east-west running Mill Hill Lane public footpath. To the north east are the University of Durham Business School and Van Mildert College.

To the south is further private housing at Farewell Hall.

To the east runs South Road in a north east-south west direction, with the University of Durham Howlands Farm campus, Durham Crematorium, and Durham High School beyond.

To the west runs the A167 in a north-south direction, with predominantly open countryside beyond.

The main characteristics of the 39.7 hectare (98 acre) site are that of a Grade II Listed former manor house set in attractive open parkland. The house forms no part of these proposals, and is currently used as the golf clubhouse.

The applicants seek outline planning permission to establish the acceptability of the principle, of developing this land as a highly prestigious and regionally significant business and research community, delivering innovative and sensitive design in a sustainable manner.

Four distinct “quarters” would be created:

An Innovation Quarter where new knowledge based businesses would create innovative products and approximately 3850 new jobs for the city.

A Community Quarter, providing 30 executive houses within the one million pound price range, aimed at attracting and retaining entrepreneurs and key executives.

A Parkland Quarter that would provide a new public park for the city with good links to surrounding areas.

A Manor House Quarter. As already mentioned, work to this Listed Building does not form part of this application, but its future restoration and reuse is an aspiration that forms part of the applicants’ overall concept for the site.

Although this is merely an application in outline, a masterplan accompanies it, demonstrating a spatial strategy that, should the principle be accepted, would inform a later full, or Reserved Matters, submission.

The masterplan indicates that office development – the Innovation Quarter, would be located within the northern part of the site, with vehicular access being taken from both South Road to the east, and from the A167 to the west via a new roundabout. These access points would be linked by a distributor road running across the site along the southern edge of the Innovation Quarter. The offices would be set within a generously landscaped area that would include small lakes and an attenuation pond which would form part of a sustainable drainage regime.

The Parkland Quarter would be centrally located and relate closely to the Manor House Quarter which would lie within it. A further attenuation pond would also be included in this sector to provide sustainable drainage for the proposed executive housing to the south.

The Community Quarter would occupy the most southerly part of the site, and comprise large houses in spacious grounds, with vehicular access taken from South Road.

The application is most comprehensively supported by an Environmental Statement born out of an Environmental Impact Assessment, a Design and Access Statement, and reports resulting from an analysis of Landscape and Visual Impact, Ecological Impact, Archaeological and Historic Impact, Transport Impact, Ground Conditions, Residential Amenity, Sustainability, Drainage and Flood Risk, Socio-Economic Impact, and Climate Change Impact. A Planning Statement explains the scheme's rationale, with an accompanying Alternative to Development statement suggesting what is likely to happen to the site should this planning application fail. This can be summarised as being its continuing use as a private golf course, and a lost important development opportunity.

RELEVANT HISTORY

The application site has been used as a private golf course for some years.

POLICIES

NATIONAL POLICIES

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

Planning Policy Statement PPS 3 – Housing, supports the provision for housing in suitable locations, but states that priority must be given to sites on previously developed (“brown field”) land, particularly through the utilisation of vacant and derelict land and buildings.

Planning Policy Statement (PPS) 6 – Planning for Town Centres, considers offices to be a main town centre land use, with alternative locations subject to a sequential test demonstrating an absence of more central sites or buildings.

Planning Policy Guidance note (PPG) 13 - Transport, seeks to promote more sustainable transport choices, and reduce the need to travel, especially by car.

Planning Policy Guidance note (PPG) 16 – Archaeology and Planning, requires a rigorous assessment of archaeological impact prior to the determination of planning applications within archaeologically sensitive locations.

Planning Policy Guidance (PPG) 17 – Planning for Open Space, Sport and Recreation, seeks “inter alia” to protect sport and recreational facilities unless a robust case can be made for their removal which demonstrates they are either surplus to requirements or can be replaced by an equivalent, if not better, facility in an equally accessible location.

REGIONAL POLICIES

The Regional Spatial Strategy (RSS) for the North East does not specify the site as a location for prestige employment (Policy 19) although the Tyne & Wear conurbation and Durham City are expected to be a focus for new employment opportunities. Whilst Policy 6 allows for development that would foster regeneration and economic prosperity, founded upon the City’s role as a major service and employment centre for its surrounding hinterland, the need to ensure that a scale and quality of development is achieved to reflect Durham’s unique character. Policy 18A seeks to direct offices to town centre locations unless an alternative site chosen is allocated within the Development Plan for that area. Where the site is not allocated a sequential test is required to show why such a land use cannot be accommodated elsewhere. Policy 12 underpins the requirement for Sustainable Economic Development.

RSS Policy 3 advocates a sequential approach to the selection of housing sites, with previously developed sites within urban areas, on the edge of, and outside being respectively the favoured preferences. The use of “brown field” sites first for housing is also prioritised in Policies 2 and 24, while Policy 30 sets a 65% target for “brown field” housing development within County Durham.

LOCAL PLAN POLICIES

City of Durham Local Plan 2004 Policies EMP3 and E5 (2) both specifically apply to the application site.

Policy EMP3 (Mount Oswald) allocates the site for the development of a prestigious office/research centre of strategic significance provided that the parkland and landscape quality of the site is not compromised (B1 uses only are permitted). The justification to EMP3 (para. 5.24) sets out that only a limited proportion of the site is available for development - approximately 10%.

Policy E5(2) (Open Spaces within Durham City) only permits development at Mount Oswald (consistent with EMP3) if it doesn’t exceed the height of surrounding trees, is sympathetic to its landscape setting, and is of low density setting aside most of the site for landscaping/open space.

It should be noted that although these policies date from 2004, the site had a similar dual allocation in the 1988 Local Plan hence the policy principle of a low density business/research type development on the site has been established for nearly 20 years. In conjunction with the 1988 Plan, the City Council prepared a Development Brief for the site. That brief is cross-referenced in para. 5.24 of the 2004 Local Plan and sets a number of development criteria, notably that “all buildings, car parks, services and access roads will be accommodated within 3.5 ha of the 32.25 ha site”. This developable area is translated as approximately 10% in the 2004 Local Plan.

Policy H2 (New Housing Development within Durham City) permits new housing within Durham City but not on previously undeveloped “Greenfield” land, nor on land allocated for an alternative use.

Policy E3 (World Heritage Site – Protection) seeks to protect the site and setting of the World Heritage Site.

Policy E14 (Trees and Hedgerows) seeks to minimise the affect of proposals on trees and hedgerows.

Policy E16 (The Natural Environment) seeks to protect the natural environment during development proposals.

Policy E23 (Listed Buildings) advances the protection of listed buildings and their setting.

Policy E24 (Ancient Monuments and Archaeological Remains) requires full account to be taken of any archaeological remains.

Policy E26 (Historic Parks and Gardens) is aimed at protecting the special character and appearance of such areas, precluding development that would detract from, or result in the loss of, such features.

Policy H12 (Affordable Housing) states that on sites of 1 hectare or more, or where 25 or more houses are proposed, a fair and reasonable proportion of affordable housing is expected to be provided.

Policy T1 (Traffic Generation – General) precludes the granting of planning permission for development proposals that would generate a volume of traffic prejudicial to highway safety, or to the amenity levels of those living close by.

Policy R3 (Protection of Outdoor Recreational Facilities) seeks to resist development proposals that would result in the loss of areas of open space currently used for recreation and leisure pursuits.

2020 Vision

Although the site lies outside Durham City Centre, the Mt Oswald site is identified as a development opportunity in the Masterplan. This document envisages that the development could strengthen and diversify the current range of employment opportunities within Durham, and will be designed to attract high quality occupiers, such as corporate headquarters, through the construction of bespoke, flexible office buildings that cannot be accommodated within the historic City centre area.

REPRESENTATIONS

STATUTORY RESPONSES

The North East Assembly (NEA) has identified the extent to which the proposal fulfils the need for a prestige office park, the need for executive housing as part of the development, and the need to protect the historic environment of Mount Oswald as being the key issues that must be addressed in the determination of this application.

The NEA recognises the allocation within the Local Plan for offices within 10 % of the site, but as the proposal is significantly larger it is considered that a sequential test should be applied, and the applicants have failed to do. Furthermore, it states that the LPA should be satisfied that no harm to the setting and nature of the site would result from the proposed scale of development, and that there is sufficient capacity within the local highway network.

The Assembly goes on to state that executive housing raises issues of possible non-conformity with the RSS. The LPA, it is suggested, must be satisfied that the release of part of this site for housing is fully justified, particularly as regional planning policy specifically directs Local Authorities to protect employment land that forms an essential part of their portfolio.

One North East (ONE) broadly supports NEA comments. In addition, it considers it to be imperative that any office development at Mount Oswald does not undermine the city centre office market and, were the proposal to be approved, the adoption of a user policy for the site is encouraged.

Highway Authority opposition to the proposals is noted, as are proposed renewable energy measures, and were outline planning permission to be granted, the highest possible design quality is considered to be essential.

The Highways Agency has expressed significant concern about the potential impact of the volume of traffic likely to be generated by a development of the scale proposed on junctions 61 and 62 of the A1(M). The submitted traffic impact assessment does not extend beyond the local road network immediate to the application site. Accordingly an Article 14 Direction has been served on the Local Planning Authority (LPA). This means that, for an indefinite period, the City Council is directed **not to approve** this proposal.

The County Highway Authority considers the trip generation figures advanced by the applicants' highways consultants to be flawed, underestimating likely traffic volumes associated with such a development. A more realistic approach is likely to show the A167 road junctions at Nevilles Cross and the Duke of Wellington, and the junction of South Road and Stockton Road at the New Inn, which already operate above their capacity, to materially suffer from an extended peak operation time.

Proposals advanced to mitigate such impact, which include alterations to traffic light phasing and measures to reduce car usage by the proposed development's users, are not considered adequate. Therefore the Authority opposes this application.

The County Archaeologist objects to the application. Although the submitted archaeological assessment gives a sound historic overview of the site, much more

detailed information is needed in order for an informed judgement to be made as to whether harm to archaeological interests would result from the development of the land in question.

Sport England (SE) objects to the application on the basis of a lack of justification for the loss of a sports facility, contrary to PPG 17 and Sport England's Planning Policy Objective 2. The applicants, it is stated, are erroneous in their assertion that golf courses are not protected by PPG17. Accordingly, SE must oppose this scheme unless it is demonstrated that the golf course is surplus to requirements.

English Heritage (EH) have not commented in detail, but urge the LPA to take special account of the proposal's potential impact on the intervisibility between the site, Durham (City Centre) Conservation Area and the World Heritage Site (WHS), and require appropriate information from the applicants; and be also satisfied that no significant visual impacts upon viewpoints within the Conservation Area and WHS would result from such development were it to come about.

The Environment Agency (EA) has no objection to the proposals subject to an appropriate planning condition being applied to any approval requiring surface water drainage attenuation rates compatible with flood risk mitigation.

Northumbrian Water does not object to the application provided that appropriate planning conditions are attached to any approval requiring prior agreement to schemes for the treatment of foul sewage flows and the disposal of surface water.

INTERNAL RESPONSES

The City Council's Heritage and Design Manager recommends the refusal of this application on the grounds that it fails to conform, in terms of land use, density and form, with Local Plan Policies EMP3 and E5(2), and the urban design concepts contained within the adopted Development Brief and 20.20 Vision Masterplan for the city.

In failing to meet the high aspirations of these documents, it is considered that the proposed density and form of development would fall well short of creating a high quality low density development that would extend and complement the parkland setting of the Listed Mount Oswald House.

PUBLIC RESPONSES

A considerable number of objection letters (257) have been received from neighbouring residents, other Durham City residents, the Member of Parliament for Durham City, the City of Durham Trust, Durham Crematorium, Soroptimist International of Durham – signed by 21 members, Van Mildert College of Durham University, Elvet Residents Association, and both users and former players at Mount Oswald Golf Club, at least two of whom claim to be its oldest members.

The main concerns raised are the impact upon the character and appearance of the application site were it to be developed in the manner proposed, resulting conflict with the Development Plan for the area, traffic generation resulting from such a scale of development, loss of the golf course, unjustified executive homes at a time when affordable housing is needed in Durham, absence of need for such a scale of office development when alternative sites are available in the vicinity, and the manner in

which neighbour comments recorded during presubmission community involvement by way of a public exhibition have been misleadingly represented as significant local support for this proposal.

More specific concerns regarding impact upon the local ecology and archaeology, the visual impact of a wind turbine shown on the conceptual drawings, and doubts regarding the reality of the 3850 jobs cited as likely to be created have also been raised. Whilst the MP has referred to a lack of meaningful engagement with the LPA prior to the application's submission, a complete disregard for the Development Plan for Mount Oswald, and the poor manner in which the applicants have conducted public consultations.

PLANNING CONSIDERATIONS

Development of the site in accordance with the provisions of development plan policy and planning guidance would, in overall terms, normally be offered favourable support by officers of the Local Planning Authority. In this instance the applicants have not engaged to a meaningful extent to resolve the discrepancies with these parameters but have, rather, been driven by different commercially driven parameters. Regrettably, pre-application discussions were therefore of a limited nature and the applicants were not prepared to amend their proposals to take into account officer advice.

The acceptability or otherwise of this application turns upon its ability to meet the objectives of national, regional and Local Plan policies and, where it is in conflict with such objectives, whether material harm to issues of acknowledged importance would result.

The Mount Oswald site has been allocated as suitable for a very low density business and research based development of strategic significance for nearly 20 years, so a proposal such that currently under consideration requires very careful consideration, notably as to the benefits it could bring to the local economy.

In the broadest of terms, B1 office development addresses Local Plan Policy EMP3. However, the scale of that which is proposed (covering some 40% of the site) exceeds the 10% cited in the approved policy by some margin. Such an approach is therefore in conflict with the true objectives of EMP3. By exceeding the prescribed and acceptable development area, this proposal is also in conflict with RSS Policy 18A by not applying a sequential test to demonstrate conclusively why such office development cannot be accommodated within either the city centre or on other sites allocated for such a land use, including in disaggregated form.

As pointed out by a number of objectors to the scheme, there is vacant office space elsewhere within Durham City, plus several extant planning permissions for offices, for instance at Belmont Business Park and at Durham Green Business Park near Bowburn. With no specific occupants in mind, this proposal must be viewed as being speculative. So unless compelling evidence as to why a special case for such a large development in such a sensitive location can be presented, I see no justification for the aforementioned policy breaches.

Harm resulting from such policy breaches would include physical impact upon Mount Oswald's attractive and undeveloped parkland setting, and a level of traffic

generation incompatible with a local road network already operating close to capacity, of which more shortly. However, such an unjustified scale of office development in this location could also result in economic harm by undermining the regeneration of existing employment areas such as the former LG Philips site at Belmont.

The applicants may argue that financial viability demands a critical mass for any such scheme, but I am unaware of any evidence to support that position. Furthermore, as the applicants state that a “land agreement” has been reached between them and the owners, I must conclude that the scale of development appears to have been determined by the land price rather than good planning practice.

In seeking to develop so much of the site, it is the conclusion of the City Council’s Heritage and Design Manager that the character and appearance of Mount Oswald’s open parkland setting would be harmed, resulting in merely landscaped office development rather than a “prestige office park of the highest architectural quality set within restored parkland and surrounded by extensive woodland”, which is the stated aspiration of the adopted Development Brief that is informed by the city’s 20.20 Vision masterplan.

I must therefore conclude that this proposal is in conflict with the objectives of Local Plan Policies EMP3, E5(2), E14 and E26.

The applicants state that 3850 jobs would be created – a figure based upon the proposed floor space rather than empirical evidence, given the absence of identified users. Both the County Highway Authority and the Highways Agency have expressed concerns regarding the impact the level of traffic generated by such a scale of development would have on both the local road network and junctions 61 and 62 of the A1(M) motorway, all of which are already operating close to capacity.

Despite being aware of these concerns, consultants acting for the applicants have made no attempt to engage the highways bodies in meaningful discussions with a view to the agreement of mitigation measures, if indeed they are possible, and this has, in part, led to the City Council being directed by the Highways Agency not to approve this application. Accordingly, it must follow that Local Plan Policy T1 is not being complied with.

The applicants argue that Durham City needs more executive housing, and that 30 such exclusive dwellings in the one million pound price bracket will encourage executives to move to the area and commit to the business park. There is also the suggestion that the sale of such houses will help underpin the financial investment needed to launch the business park. This would suggest that the houses would have to be built first, leading to the concern that, were the business park not a success, the houses alone would occupy the site in splendid isolation. The LPA could also be placed under pressure to increase the proportion of any housing element should development for prestige employment purposes prove sluggish.

To support their contention that such expensive housing is needed in the city, the applicants have engaged local “established experts” JW Wood to analyse the market.

A comparison has been made with Harrogate in North Yorkshire. There, more high value properties exist, and the town, it is said, has benefited economically as a result.

However, average house prices in Harrogate are virtually double those in Durham, and it is a much larger district (155,000 population compared with 92,000). Therefore this argument is somewhat misleading, and conveniently overlooks the attraction of Durham City and the North East due to the lower house prices.

No compelling evidence has been advanced by the applicants to support the contention that those buying the proposed executive housing would have a connection with the office development

It will be noted that the stock of larger sized properties in Durham City have been reduced in recent years to accommodate greater densities and to take advantage of the potential to realise development value arising from the fact that garden land may be considered to be brownfield. This does not pose a case for the replenishment of the supply – since this would not be inherently sustainable – but rather suggest that larger plots could themselves offer temptation for an opportunistically driven private market. The greatest need in Durham is for affordable housing rather than executive housing as is evidenced by successive Housing Needs studies and market assessments.

Housing on this “Greenfield” site is accordingly in clear conflict with well established national (PPG3), regional (RSS Policy 3), and local (H2) planning policies.

In regard to other issues raised, I would draw Committee Members’ attention to the County Archaeologist’s objection to this application in respect of an inadequate archaeological assessment. Government guidance, as contained within PPG16, states that “Local planning authorities can expect developers to provide the results of such assessments and evaluations as part of their application for sites where there is a good reason to believe there are remains of archaeological importance.” It goes on to state that “if necessary, authorities will need to consider refusing permission for proposals which are inadequately documented.”

Whilst this is only an outline application, the existence or otherwise of sensitive archaeological remains must be established at this stage, as it could influence the acceptability in principle of the proposals. Accordingly, the absence of sufficient information to reach a conclusive archaeological judgement fails to meet the objectives of PPG16 and Local plan Policy E24.

I have carefully considered concerns regarding the potential loss of the golf course, and sympathize with those who have enjoyed its use and continue to do so. Sport England’s objection results from the applicants failing to address the issue rather than the course’s loss per se.

Local Plan Policy R3(4) seeks to ensure that any loss of open recreational space does not prejudice the overall standard of open space in the area. The Local Plan adopts the National Playing Field Association’s “6 acre standard” for open space, but golf courses are specifically excluded. This proposal seeks to improve public access to parts of the site, so in that context the benefit of the site as a general amenity to members of the public will be improved, thus the overall standard of open space is not compromised in policy terms. Furthermore, although golf courses are not specifically protected, evidence from the Royal & Ancient Golf Club suggests that one course per 25,000 residents is a reasonable ratio. The District currently has the equivalent of 4 courses (not including Mount Oswald - 1.5 at Ramside, 0.5 at Cocken Lodge, 1 at Littleburn and 1 at Brancepeth). With a population of 92,000 this meets

the required ratio. Accordingly, I do not view the loss of the golf course as a reason in itself to recommend the refusal of this application.

I have taken into account all other issues raised by those who oppose this development, but on balance consider the key concerns to be those I have discussed.

In conclusion, this is a development that appears to have been driven by perceived land value rather than a well considered planning approach. A wildly optimistic evaluation of public support and an absence of meaningful pre-submission engagement with the Local planning Authority and key third party consultees are also highly regrettable.

The result is a scheme at odds with national, regional and local planning policy which I am directed not to approve, but which I would be unable to support in any case.

RECOMMENDATION

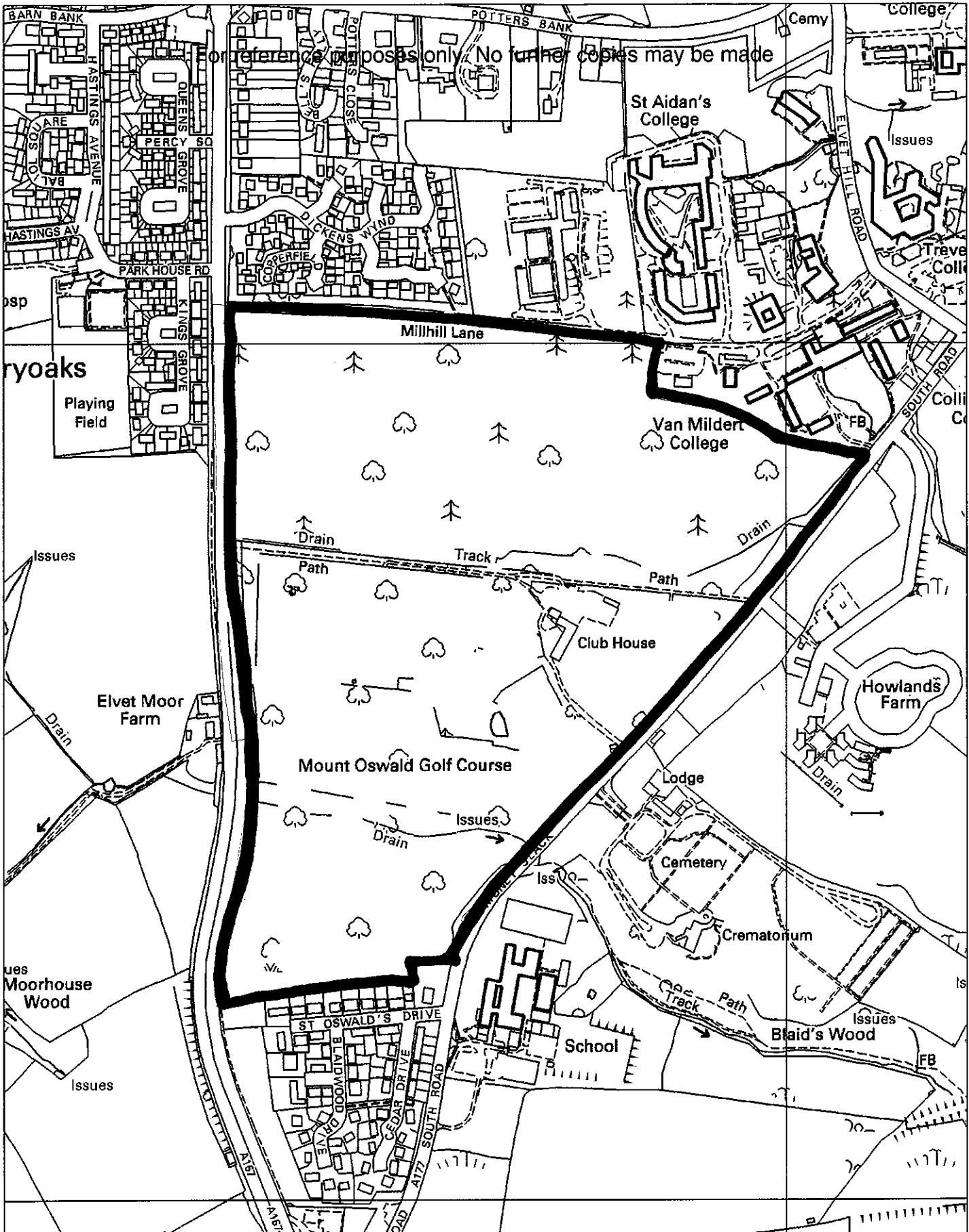
That the application be **REFUSED** for the following reasons:

1. The proposed development, by virtue of its nature and scale, is in conflict with the objectives of City of Durham Local Plan 2004 Policy EMP3, and fails to conform with regional planning policy as contained within Regional Spatial Strategy Policy 18A.
2. The proposed development, by virtue of its nature and scale, would harm the character and appearance of Mount Oswald's open and landscaped parkland setting, and thus be in conflict with the objectives of City of Durham Local Plan 2004 Policies E5(2) and E26.
3. The level of vehicular traffic likely to be generated by the proposed development will have a material impact upon both the local road network and A1(M) motorway junctions 61 and 62, to the detriment of traffic flows and prejudicial to highway safety. This is contrary to the objectives of City of Durham 2004 Policy T1.
4. The development of previously undeveloped "Greenfield" site for housing, on land designated within the Local Plan for business use, is contrary to the objectives of PPG3, City of Durham Local plan Policies EMP3 and H2 and fails to conform with Regional spatial strategy Policy 3.
5. The absence of an adequate archaeological assessment prevents an informed judgement as to whether this proposal causes hard to issues of archaeological importance. Accordingly there is a conflict with the objectives of PPG 16 and City of Durham Local Plan 2004 Policy E24.

BACKGROUND PAPERS

Submitted Application Forms and Plans, Environmental Impact Assessment, and supporting documents including a Design and Access Statement
Planning Policy Statements (PPS1, PPS3, PPS6)
Planning Policy Guidance (PPG13, PPG16, PPG17)
North East of England Regional Spatial Strategy 2007
City of Durham Local Plan 2004
2020 Vision – Durham City Centre Masterplan March 2007
Development Brief – Mt Oswalds
Responses from statutory and internal consultees
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



Planning Services

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Application No. 4/07/944/OUT/PGH
 Mount Oswald Golf Course, South Road, Durham

Comments

Date	19 December 2007	Scale	1:6000
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ITEM 2

07/00872/FPA	Former Builders Yard, John Street, Durham
B H Nelson	Erection of 22 no. apartments in four storey block with associated parking and landscaped open space (revised and resubmitted proposal)

SITE AND APPLICATION DESCRIPTION

John Street is a short vehicular cul-de-sac situated adjacent the railway embankment at the heart of the City Centre Conservation Area. The character of the street is split between the traditional two storey Victorian terraced residential properties on its south side, and a range of low former commercial buildings, some converted to residential use, and a modern church building on the northern side of the street. A small development of traditionally styled apartments sits at the entrance to the street.

The street has a more heavily used pedestrian function, despite having pavement on only one side, with footpath accesses onto both Hawthorn Terrace, and along the railway embankment, via the heads of Holly Street, Mistletoe Street, and Lawson Terrace, to the pedestrian tunnel through the railway embankment to Redhills. This route is particularly well used by students attending the Durham Johnston School.

The topography of the site and surrounding environment further define its character, John Street effectively sitting in an amphitheatre of higher ground between the railway embankment, and Hawthorn Terrace, with Holly Street providing a stop to its end at a high retaining wall.

Formerly in use as a builder's yard, the proposed development site has been effectively vacant for a number of years, with only minimal storage of materials and plant to betray its use. Two basic single-storey flat roofed garages on the northern part of the site back onto the large retaining wall supporting the roadway and footpath of Holly Street, whose traditional properties look over the land from a higher level. This boundary is currently demarked by a wooden fence, with some small self-seeded trees that have established themselves. The remaining boundaries are defined by poor-quality post and wire markers of around 2m in height, and a characterful stone wall along the access to Hallgarth Street. The builder's yard is accessed only from John Street by double gates at the head of that street.

Whilst the immediate street scene is defined by small scale buildings, both residential and formerly commercial, there are a range of larger buildings in the wider area – including the former organ factory in Hawthorn Terrace, St. Margaret's Hospital, and on the other side of the East-Coast main-line, Redhills Miners Memorial Hall. The nearby listed railway viaduct is also a building of imposing scale.

This application proposes a large apartment block to fill the site at the head of the street. With four storeys of residential accommodation, and a lower level of undercroft parking, the building is of comparable height to those in Holly Street at the higher level. The proposed building is of modern appearance, with the use of some traditional materials. 22no apartments will accommodate 34 bedrooms on four levels, with on-site parking for 12no. cars. A private forecourt area for the development

partially covers the parking provision. There are a number of high level balconies included as features of the design.

RELEVANT HISTORY

This application is a resubmission of one recently withdrawn following officers indication of concern as to the lack of detail submitted for such a large City Centre scheme.

POLICIES

NATIONAL POLICIES

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

Planning Policy Statement 3: Housing. This PPG sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities and land supply.

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

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

Planning Policy Guidance Note 24: Noise notes that this can be a material impact on the determination of planning applications, and sets out a reasoned approach to such.

REGIONAL POLICY

Currently in draft form, the Regional Spatial Strategy for the North East (RSS) sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. When adopted, the RSS will set out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

This document 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. Policies are also included to ensure incorporation of alternative energy production methods to reduce carbon emissions.

LOCAL PLAN POLICIES

The following are a summary of those policies in the City of Durham Local Plan, 2004, considered most relevant by officers. The full text of these and other planning policies are contained in that document:

Policy E3 Cathedral and Castle World Heritage Site by restricting development in local and distant views, and through the application of policies relating to listed buildings, conservation areas, green belt, and archaeology.

Policies E6 and E22 are complimentary policies designed to protect the character and appearance of the City Centre Conservation Area, setting out a number of fundamental criteria derived from PPG15 (above), designed to protect the special character, appearance and setting of the designated area. All development is required to preserve or enhance the character or appearance of the Conservation Area.

Policy H2 relates to new housing development in Durham City, stating that the development of previously developed, or 'brownfield' land will be permitted providing it accords with the more detailed development proposals of the Council (as outlined below).

Policy H12 sets out a requirement for affordable housing on schemes of 25 units or more.

Policy H13 seeks to protect the character of residential areas, stating that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy H14 encourages developments and initiatives which secure environmental improvements within existing housing areas, providing that development respected and where appropriate enhanced local character.

Policies T1 and T10 of the Local plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

The inclusion of Recreational and Amenity Space in new residential developments is required by Policy R2. In developments of 10 units or more open space is required in or adjacent the development, to a prescribed formula, or where it is shown this cannot be achieved, monies in lieu, to allow the Council to provide for such in the locale.

Policy CC1 is titled 'Vitality and Viability', and seeks to protect and enhance such in the City Centre, by promoting a mix of land uses including residential, promoting development that enhances the area both by day and night in a manner which is safe, accessible and friendly to all users.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles and so on.

In Policy Q8 the Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

Policy Q15 states that the Council will encourage the provision of artistic elements in the design and layout of development, with supplementary guidance having been adopted to formalise procedures for such.

Policy U8a outlines the requirements for accommodation of foul and surface drainage within development schemes.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority has raised no objection to the proposals, subject to conditions ensuring reinstatement of the footpaths on and around the site.

Northumbrian Water has sent a copy of their new standard letter that notes that they will not allow works close to or over their apparatus. Officers are aware of such through part of the site, and have directed the architect to confirm that this issue has been addressed to the satisfaction of the statutory undertaker. This has been verbally confirmed – formal written confirmation is awaited.

English Heritage were consulted, but as the scheme falls out with their standard consultation criteria, they have indicated by telephone that they do not wish to comment, and the application should be determined on the basis of local and national policies.

County Archaeology has raised no objection to the proposals, considering the site to have no potential interest.

PUBLIC RESPONSES

The City of Durham Trust does not feel the proposals meet the test of development in the Conservation Area, finding the architectural approach inappropriate.

PLANNING CONSIDERATIONS

This planning application proposes a very large development on a complex site. In the protected setting of a Conservation Area, with implications to individual and communal privacy and amenity, overshadowing, social impacts, and a plethora of other site constraints and requirements, a scheme such as this requires large scale detailed plans, elevations and detail, and a detailed written justification, preferably supported by contextual plans sections and additional documentation. Only then can officers, members of the public, statutory consultees and interested parties make a full reasoned judgement on the effects and suitability of the proposals, and their relationships to the existing environment. The 1:200 scale plans submitted in support of this application, whilst adequate to meet the minimum requirements for validation of the application, simply do not give a level of detail sufficient for a full assessment of the scheme's potential impact. This issue is considered by officers sufficiently serious to warrant a refusal reason in its own right.

However, despite the lack of information, the scheme must be assessed as submitted, and as full an assessment made as possible, given that the documentation submitted is a valid application.

The scheme has been amended at the suggestion of Conservation Officers to have a ridge-line below that of the terrace on Holly Street, to give an appropriate scale to the relationship to that street, and when viewed in relation to Hawthorn Terrace. Whilst the ridge lines are comparable the much shallower roof pitch of the proposed building results in a higher eaves, and the roof being much less of a feature of the building when viewed from street level. The presence of the roofs in the street scene, almost uniformly welsh slate in appearance, is a strong element of the visual character of this area of the City, and its distinctive tight Victorian terracing.

Therefore whilst the scheme proposes a roof covering of natural blue/grey slate, the shallow pitch removes any view of it from street level, and any benefits of integration that could be derived from the use of a traditional material. Whilst the street elevation proposed to face across Holly Street includes brickwork panels (described as 'to match'), the highly contemporary approach also includes large areas of render panelling, and glazing, with walk out balconies indented into the roof. In principle this highly original approach has a potentially high quality character, with a modulation that hints at terraced development – the success of which would be dependant on careful colour selection of materials and finishes. Victorian Terraces such as Holly Street derive much of their character from simple, but bold and distinctive detailing, and a very basic palette of materials. The range of materials proposed, and their disposition may work against successful integration. Furthermore, whilst the elevational approach has merit, the eaves height and shallow roof pitch, when considered in conjunction with the impact on the privacy of existing residents from balconies looking down into the bedrooms of the terrace, render the current approach unacceptable to officers.

The end of the building facing onto Hawthorn Terrace exhibits an uncompromised contemporary approach, with stepped balconies giving rise to a heavily glazed appearance; both with clear and obscured glass block-work finishes. Whilst a screen wall is proposed to the Hawthorn Terrace level apartment, with no boundary marker of any height of substance, the main lounge of this flat offers little in the way of privacy to new residents. In comparison, the lounge on the upper floor has a head height of 1.4m adjacent Holly Street, rising to 2.0m at the highest part of its french

doors, adjacent an indeterminate material that appears solid. Set back from Hawthorn Terrace this glimpsed view of the end of the development could justify this wholly modern approach on this part of the building, but the full impact of the proposals cannot be assessed without full knowledge of the elevational treatment. In support of this elevation the agent has submitted three-dimensional axonometric plan, the details of which contradict the equivalent elevations in a number of areas. This ambiguity is wholly unacceptable.

The footpaths between this end of the proposed building, as well as the gable ends of the terraces of John Street and Hawthorn Terrace are included within the site, and shown resurfaced and regraded as part of this application, albeit with no detail given. With similar improvement works included for the footpath adjacent the railway embankment, these are parts of the scheme that present a real improvement to the extended environs of the site, where it would be acceptable to defer agreement of the detail of the proposals to appropriate conditions, if an approval was proposed. The one positive existing site feature apparent is the characterful high wall adjacent the footpath on the eastern boundary of the site. Whilst there is potential for it's retention in the submitted design, an indication of whether this forms part of the proposals is not specified.

No elevation of the face of the building facing the railway embankment has been submitted. An approval cannot be countenanced in the absence of this information.

The full impact of the scale of the building is revealed in its front elevation, facing down John Street, i.e. north-east. The submitted plan, scaled at 1:200, gives a basic indication of the relationship of the proposed four storey elevation, with under-croft parking, to properties in John Street. The drawing is potentially misleading in not showing the buildings nearest the site, one of the existing structures shown in outline in the foreground of the block being the modern Church building, which is in fact separated from the site by a smaller single storey building that has been converted into residential use. The heights of these detached single storey buildings as shown on the architect's plans do not match the proportions of the actual structures when viewed on site, making accurate assessment of the relationships difficult. The drawings show a 7m+ difference between the eaves of that building and the one proposed shown, and a similar difference of over 3.5m between the eaves of the existing terrace and that of the new block. The architect justifies the scale of the structure with reference to the rear of properties in The Avenue in his 'Design and Access Statement', reference to John Street being notable for its absence.

Whilst this front elevation drawing gives an indication of the scale of the proposed structure, the critical material treatments and articulation of its various elements can only be surmised. The extent and type of glazing proposed, range and relationships of different materials, and the relative planes upon which these are set and how they interrelate with each other and attempt to integrate into the surrounding historic environment remains largely unexplained. The statement in the supporting information that 'the architectural vocabulary is employed in a way which successfully breaks up the scale of the development' is inadequate. The problems of the scale of the submitted plans are exacerbated by those elements of the elevation sited behind trees and flora being left blank. The interesting, but potentially complex garden forecourt area that partly over-sails the parking area is not adequately explained in terms of either levels or layout and access, within the site, or on its boundaries. The usable garden area does not however appear large enough to satisfy the requirements of the Council's policies for provision of recreational and amenity space

in new residential developments, as defined in Policy R2 of the Local Plan, so any potential approval must be linked to an undertaking to provide monies in lieu to facilitate the Council providing such in the nearby vicinity.

The scheme is below the threshold where an element of affordable housing must be included. It is however of a size where an undertaking to provide features or installations under the ‘% for Art’ adopted policy is required. The submitted documentation makes no reference to this. Any approval would need a condition to ensure this matter is properly addressed.

The presence of and justification for the apparently mostly opaque roof structures cresting the ridgeline, which, whilst making for a potentially more attractive internal space for the lounges on the top floor accommodation, further emphasises the height of the building, is not addressed.

A building of the size proposed, with the relationships outlined above, has obvious potential for overlooking, and privacy and amenity issues. The architect has used angled projections from the front elevation to face the windows away from those properties in John Street it immediately overlooks. Unfortunately this is negated by the apparent inclusion on the top of these structures of walk-out balconies, overlooking surrounding properties at the proposed accommodation’s highest point. There is an apparent variation between the window arrangement of these projecting features when compared between the plans and elevations which cause difficulty in establishing the exact extent of overlooking. At present, however, it appears that the proposed building exhibits an unreasonable degree of overlooking on the existing residential properties and curtilages of John Street, and indeed the rears of Hawthorn Terrace, with living room windows facing the development from the adjacent smaller building, and bedroom windows facing from the gable of the Terrace.

With its location within the City Centre, the County Highway Authority raise no objection to the level of car parking proposed, requiring control through condition of the restorative works to roads, footpaths and kerbs on and around the site.

Environmental Health Officers advise that the accommodation levels provided meets their requirements, and that the relation of the site to the nearby railway line is such that there is no special requirement for noise attenuation measures for noise from trains. County Archaeologists likewise advise that they require no special conditions for site investigation.

The small modern flat-roofed lock-up garages on site are not the type of structure likely to have implications as bat roosts, and there has been no suggestion of other protected species’ presence.

Northumbrian Water advises that they would not allow construction of development on or near their apparatus. A previous scheme on the site was compromised by the presence of such being discovered running across the site. The agent has verbally confirmed that the presence of the apparatus has been accommodated into the design, and discussed with the statutory undertaker. This matter would need to be conditioned if any approval is proposed.

This City Centre ‘brownfield’ site is ripe for development, being one of the few obvious development sites of any size apparent in the central urban area. It is prominent in views from the East Coast railway. Its current appearance is not

appropriate or visually acceptable in a defined Conservation Area, with the remains of open storage, and the prominent decaying retaining wall to Holly Street of major detriment. Planning Policy Guidance Note 15 (Planning and the Historic Environment) notes 'many Conservation Areas include gap sites,...that make no positive contribution to, or indeed detract from, the character or appearance of the area: their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that the new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character, and appearance of its own'. Officers are highly supportive of the principle of the development of the site. Development of the site however must be to a standard required of the City Centre and Conservation Area setting. This therefore could be from a traditional, contemporary or mixed scheme. Developments in the City Centre Conservation Area are required through the City of Durham Local Plan, 2004, the definitive planning document in this case, to 'preserve and enhance the character and appearance' of such.

Any impact upon the World Heritage Site is negligible.

The application offers no opinion of the impact on this additional amount of apartment accommodation on the balance of the existing surrounding community, dominated as it is by the buy-to-let sector of the market, albeit it does offer a variation on the type of accommodation available, the only apartments available in the nearby vicinity being the small development of such at the entrance to John Street, a particularly visually successful building with strong references to the local vernacular.

The site can potentially accommodate a reasonably large development. However, the quality of any scheme, and how it relates to the existing environment, in terms of character and scale must be fully explained and justified, and is critical to its success. Whilst there are elements of the submitted proposals that offer potential, even without the blind spots and contradictions of the submitted drawings, officers do not think this scheme justifies approval. Whether in relation to facing properties across Holly Street, dwellings overshadowed in John Street, or its potential intrusion into views across the Conservation Area, this building does not relate well in scale to its location and surroundings. Potential integration from the palette of materials to be used, or the detailing and articulation of the buildings are not conveyed by the inappropriately small scale drawings submitted, or in the brevity of the Design and Access Statement. The complexities and design nuances of the proposals can only be guessed at from the submitted documentation.

Officers have no recourse but to express strong objections to the proposals as currently submitted.

RECOMMENDATION

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

1. It is the opinion of the Local Planning Authority that insufficient information has been submitted for a development of this size, on a City Centre, Conservation Area site, not allowing for a full assessment to be made of the proposals and its various impacts by the Council and its consultees. Submitted plans are of an inappropriately small scale, principal elevations are missing or hidden

behind site features. Plans, elevations and axonometric are contradictory. Contextual information appears inaccurate. Supporting written information omits reference to key relationships and principles.

2. The Local Planning Authority consider that the scale, form, density, materials and character of the proposed development is not acceptable, and is not supported by appropriate justification, in this City Centre Conservation Area location, in relation to relationships to Holly Street and John Street, on the basis of the information submitted, Contrary to Policies E6, E22, H13 and Q8 of the City of Durham Local Plan, 2004.
3. The Local Planning Authority consider that the potential impact on the amenity and privacy that the occupants of existing nearby and adjacent residential properties, from the effects of the mass of, and overlooking from, the proposed building is significantly below the level those residents could reasonably expect to enjoy, contrary to Policies H13 and Q8 of the City of Durham Local Plan, 2004.
4. In making no provision for public art, and in providing open space below the level required the Local Planning Authority consider the application unacceptable, and contrary to Policies Q15 and R2 of the City of Durham Local Plan, 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

City of Durham Local Plan 2004

Regional Spatial Strategy 2007

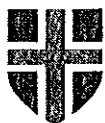
Planning Policy Statements (1 & 3) Guidance Notes (13,15,16, 17)

Responses from Statutory Consultees

Various File Notes and Correspondence

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

FW



City of
Durham

Planning Services

Application No. 4/07/00872/EPA

Former Builders Yard, John Street, Durham

Comments

Date

14 November 2007

Scale

1:1250

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ITEM 3

07/00974/FPA B And Q Plc	B And Q Warehouse, Unit 1 Durham City Retail Park, McIntyre Way, Durham, DH1 2RP Change of use and conversion of part of existing A1 DIY store to mixed use of D2 leisure and A1 retail, installation of mezzanine floor (1027sqm) and external alterations to elevations of both existing and proposed units
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SITE AND APPLICATION DESCRIPTION

The application site relates to the existing B & Q Warehouse located within Durham City Retail Park, a recently constructed retail park approximately 1.5 miles to the east of the city centre and which is occupied by a variety of retailers typically found in such locations. For planning purposes the site is considered to be out-of-centre. The unit itself extends to some 9628m² and is the anchor store within the retail park, occupying a prominent position abutting Sunderland Road.

Planning permission is sought to change the use of and convert part of the existing building to form a mixed use of both leisure and retail uses, together with the installation of a 1027m² mezzanine floor and alterations to the external appearance of the building including new openings and the removal of a large canopy to the existing trade entrance. The leisure use will occupy the ground floor level covering some 3512m², while the retail use will occupy the mezzanine level. Therefore, the proposals would result in a net reduction in retail floorspace of some 2485m². The applicants do not at this stage have an end-user for the proposed unit, however, the supporting statement has been based upon the type of operation that JJB run in many similar retail park locations, a number of which exist in the North East, in Newcastle and Middlesbrough, for example.

The application is supported by a detailed planning statement addressing the requirements for out-of-centre development as outlined in Planning Policy Statement 6: Town Centres. This has also been expanded during the course of the application.

RELEVANT HISTORY

Planning permission was granted for the retail park following a call-in inquiry in December 2003 (02/00526/OUT), and which included the provision of a single store of at least 9290m², now occupied by B&Q. In April 2007 a variation of condition 3 (07/00128/VOC) of the original consent was approved to allow the subdivision of the existing unit into two units whilst enabling the new unit to retail the same range of goods as sold elsewhere on the retail park.

Prior to the original application being called-in, the proposals for the Durham City Retail Park included the provision of a mixed leisure/retail operation within unit 2, and the Development Control Committee resolved to grant planning permission for the scheme including the leisure use; however, this was withdrawn in the absence of an end-user prior to the inquiry. In 2004, planning permission was granted for the change of use of unit 2 to a mixed leisure/retail use (04/00170/FPA). This consent has not been implemented.

POLICIES

NATIONAL POLICIES

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

Planning Policy Statement 6: Town Centre's, sets out the Government's key objective for town centre's is to promote their vitality and viability by: planning for the growth and development of existing centre's; promoting and enhancing existing centre's, by focusing development in such centre's; and, encouraging a wide range of services in a good environment, accessible to all.

Planning Policy Guidance note 17: Sport and Recreation describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

REGIONAL POLICIES

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 EMP8.1a (General Industrial Estates) identifies Dragonville as a General Industrial Estate where B1, B2 and B8 uses will be permitted.

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

Policy S8 (Retail Warehouse Outlets) sets out that new retail warehouse development will be acceptable provided they are restricted in terms of the range of goods offered and have demonstrated a sequential approach.

Policy S9B (Major out of Centre Proposals) sets out the retail hierarchy for site preference for large scale retail and leisure development, and sets out where such uses cannot be accommodated in designated areas the specific criteria against which such proposals should be judged in any event.

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raises no objection to the proposals.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

Durham City Chamber of Trade have objected to the scheme on the grounds that further retailing of the nature proposed will undermine the role of the City Centre and cause further trading difficulties for existing retailers.

PLANNING CONSIDERATIONS

The main issues are whether the vitality and viability of the city centre or existing identified retail centres would be undermined and that as such the tests set out in PPS6: Town Centre's, in terms of need, scale, sequential approach, no unacceptable impact on existing centres and that the location is accessible. For clarification, the site is considered to be an out-of-centre location. Annex A to PPS6 defines edge-of-centre locations as being within 300m of an existing centre. The application site lies some 600m to the north-east of the existing Dragon Lane District Centre and is therefore out-of-centre.

In assessing this application, advice has been sought by the Council from specialist planning consultants, England and Lyle who have commented in detail on the approach undertaken by the applicants to demonstrate compliance with the tests in PPS6 and whether ultimately, the proposals would be acceptable.

In terms of need, the applicants have sought to demonstrate that there is both quantitative need and qualitative need. The applicants have sought to identify the catchments area for such a leisure use and the likely expenditure and use by that population. The planning consultants consider that the likely catchment area has been underestimated and that a quantitative need exists for the leisure use. In terms of retail need, there is a reduction in retail floorspace overall and sufficient expenditure capacity exists even at the underestimated catchment level. Qualitatively, the applicants have demonstrated a deficiency in terms of the proposed leisure facility to meet the needs of residents and the planning consultants share this conclusion seeing the development as a means of providing increased choice and competition within the proposed retail sector.

Turning to impact, while the applicants haven't specifically addressed leisure impact, the qualitative assessment of need concluded that sufficient capacity exists, and the planning consultants consider such an approach to be appropriate. In terms of retail

impact, both parties have concluded that given that there is an overall reduction in retail floorspace and given the limited overall provision at some 1027m², there is unlikely to be an impact upon either Durham City Centre or Dragon Lane District Centre.

The applicants have not addressed issues of scale in their supporting statement. However, given the proposed uses are considered appropriate to the size and function of the retail park, since the overall scale of development has not increased and there remains no conflict with the original justification for the retail park. Furthermore, on two previous occasions the principle of a leisure use within the retail park has been accepted by the Council. The objection from the Durham City Chamber of Trade could not therefore be sustained in terms of impact upon city centre retailing.

A sequential approach to site selection has been undertaken. The applicants initially considered that the only relevant centre to consider was Durham City Centre, however, the retail hierarchy identified in PPS6 suggests that all existing centres should be considered, followed by edge-of-centre locations and finally out-of-centre locations, such as the application site. Since submission the applicant's agent has sought to expand the sequential approach to site selection through the identification of three sites on the edge of the city centre and the 'Mono Containers' site on the edge of the existing Dragon Lane District Centre. In particular, the applicant's agent considers that the application site is similarly edge-of-centre and only 'slightly' further from the boundary of the district centre than the application site. However, for the reasons outlined above, the application site is considered to be out-of-centre. The planning consultants agree with the applicants that scope within the existing centres is limited and similarly the sites identified on the edge of the city centre would not meet tests of availability, suitability or viability; however, an edge-of-centre cleared site exists to the east of the district centre on the opposite side of Dragon Lane. This site is designated in the local plan for industrial purposes; however, there is an extant planning permission for a mixed use retail and leisure scheme around 10,000m². The proposed use, in floorspace terms, could therefore be accommodated within this site, and would, being edge-of-centre, represent a sequentially more preferable site than the application site.

The detailed approval for the site (4/06/00949/RM) provides for 7 no. retail units of varying floorspace, the largest, unit B being some 2325m². This unit has also received planning permission for the installation of a mezzanine floor for a further 1393m² (06/00951/FPA) providing a total floorspace of 3718m². The development proposed requires a total floorspace of 4539m². PPS6 advises that in considering the sequential approach operators should demonstrate flexibility in terms of their business model and consider whether: the scale of the development could be reduced; whether it could be reconfigured in an alternative layout; whether parking provision could be reconfigured; and, whether there is scope for disaggregation of the operation. Regard should be had to the extent to which the applicant would encounter difficulties in running constituent parts of the business from more sequentially preferable sites. PPS6 advises further at paragraph 3.17 that, 'it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations...the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites'. The applicants, in their supporting statement, explain that the synergy which exists between the leisure and retail uses is such that 'it would not be

acceptable to disaggregate the two uses'. However, it is considered that the leisure and retail uses could be operated independently of one another and are not inextricably linked, and as such, the applicant has failed to adequately demonstrate that disaggregation would not be possible.

It is considered therefore that the proposed development could be accommodated either wholly or with disaggregation of the two proposed uses at a more sequentially preferable location. In this case, PPS6 advises that the extent, or otherwise, to which the sequentially preferable sites are available, suitable and viable should be examined. The sequentially preferable site benefits from an outline approval, a detailed reserved matters approval and has been cleared to facilitate the implementation of the agreed scheme and while it could not be occupied immediately by the proposed development it is available and could be occupied within 'a reasonable period of time' as defined in PPS6 at paragraph 3.19. The units would be suitable were the scale of the development to be reduced (by 821m²) to be accommodated within the largest unit within the proposed retail park including the provision of the mezzanine floor or if the two uses were to be disaggregated to allow the occupation of two independent units within this more sequentially preferable edge-of-centre location. In terms of viability, regard should be had to whether or not the proposal would be viable at the more sequentially preferable location. The proposed use or uses would, it is considered, be equally viable whether they were located within Durham City Retail Park or within the retail park to be constructed on the eastern side of Dragon Lane, benefiting from linked trips in either case.

Therefore, a more sequentially preferable edge-of-centre location exists which would be capable of accommodating the proposed scheme at either a reduced floorspace or with disaggregation of the two uses and furthermore, that the sequentially-preferable location is viable, suitable and likely to be available for occupation within a reasonable period of time. This being the case, there is a clear conflict with PPS6, and refusal of the application is therefore recommended.

For clarification, the County Highway Authority have raised no objection to the scheme on the basis that the main proposed use is likely to be frequented at times when existing surrounding uses are less busy, and as such highways and parking provision are sufficient to meet demand. In terms of the external alterations proposed to the building, the removal of the canopy to the existing trade entrance would enhance the overall appearance of the building, while the loss of an element of glazing to the main front elevation to allow the subdivision of the existing unit, this would not be so harmful so as to warrant its own refusal reason, and matching materials would suffice.

RECOMMENDATION

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

The Local Planning Authority considers that the proposed development could be accommodated either at a reduced scale or through disaggregation of the constituent uses within a sequentially more preferable edge-of-centre location which is likely to become available within a reasonable period of time and which is both viable and suitable. The proposal is therefore in conflict with the aims and objectives of Planning Policy Statement 6: Town Centres.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

PPS1 and PPS6

RSS and draft RSS

City of Durham Local Plan 2004

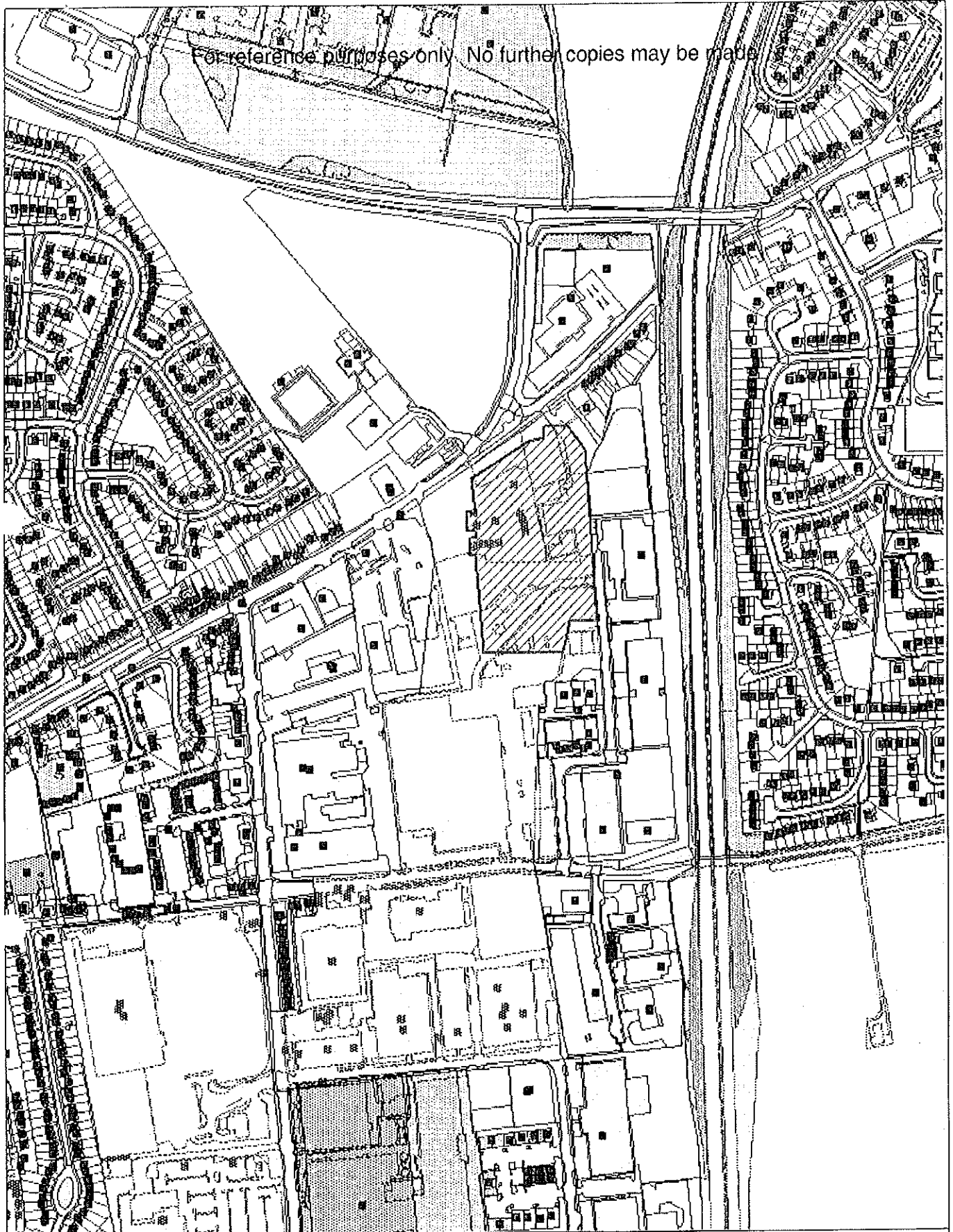
Report of Retail Planning Consultants, England and Lyle

Responses from Durham City Chamber of Commerce, Development Plans Section

Committee reports of and 4/02/00526/FPA and 4/04/00170/FPA

Various File Notes and Correspondence

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



City of
Durham

Planning Services

Application No. 4/07/00974/FPA

B&Q Warehouse, Unit 1, Durham City Retail
Park

Comments

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Date

31 October 2007

Scale

1:5000

CITY OF DURHAM

**DEVELOPMENT CONTROL
COMMITTEE
10 January 2008**

Reports for Information

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

10 January 2008

REPORT OF THE HEAD OF PLANNING SERVICES

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

**a) Appeal by P And A Johnson
Site at Old Quarrington Farm, Old Quarrington, Durham, DH6 5NN**

An appeal has been lodged by P And A Johnson against the Council's refusal to grant planning permission for discharge of reserved matters for the erection of agricultural workers dwelling pursuant to outline approval 4/04/437/OUT (revised and resubmitted proposal) at Quarrington Farm, Old Quarrington, Durham, DH6 5NN.

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

Recommendation

That the report be noted.

2. Planning Applications determined under Plenary Powers

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

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 14 December 2007

WEEK NO. 45/2007

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

Number and Applicant	Location	Proposal
*07/00893/FPA Mr A Whitley	Bracken Cottage Bank Foot High Shincliffe Durham DH1 2PD	Erection of two storey pitched roof extension to front of existing dwelling
07/00972/FPA	4 Buford Court Western Hill Durham DH1 4TL	Erection of pitched roof extension to side and rear of existing dwellinghouse including dormer window and creation of patio area and steps (revised and resubmitted)
*07/01002/FPA Mr T Elsdon	Land To North Of Chair Lane Croxdale Durham	Change of use to allow keeping of horses, erection of stable block and associated access with retention of existing fence and access gate
07/01040/FPA Mr Wilson	13 Millford Way Bowburn Durham DH6 5DE	Erection of two storey pitched roof extension to side of existing dwelling
07/01049/FPA Mrs W Brookes	Rose Cottage The Green Hett Durham DH6 5LU	Erection of pitched roof to existing flat roof offshoot, first floor pitched roof extension to rear and erection of pitched roof with 2 no. dormer windows over existing conservatory

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

Number and Applicant	Location	Proposal
*07/00916/AD Rev M L Beck	St Marys Church South Street West Rainton Durham DH4 6PA	Erection of non-illuminated notice board facing road on southern boundary of church yard
*07/00968/FPA Mr C Toal	155 Canterbury Road Newton Hall Durham DH1 5NF	Erection of conservatory to rear of existing dwelling
07/00971/FPA Ultimate Leisure Plc	Chase Elvet Bridge Durham DH1 3AF	Erection of awning to east elevation of existing public house
07/00982/FPA Co Alliance And Leicester	Somerfield 22 High Street North Langley Moor Durham DH7 8JG	Installation of ATM to rear elevation of existing building
07/00985/FPA Mr D Goodwin	20 Buckinghamshire Road Belmont Durham DH1 2BD	Erection of single storey pitched roof extension to rear of existing dwelling, pitched roof to existing garage and porch to front
07/01008/FPA Allergate Investments Ltd	Kingfisher House St Johns Road Meadowfield Durham DH7 8TZ	Construction of 10 space extension to existing car park at side of existing building
07/01012/LB Mr M J Gazzard	2 The Village Brancepeth Durham DH7 8DG	On front elevation only: removal of existing cement render, weatherproofing of exposed stonework, with repointing as necessary. Replacement of heads and cills to 2 no. windows.
07/01014/FPA Pitbuild Homes	Land Off Carr Avenue To The Rear Of Brockwell Court Brandon Durham	Erection of 4 no. two storey dwellinghouses

*07/01015/FPA S Afsahi	4 Chantry House Benridge Bank West Rainton Durham DH4 6SW	Erection of conservatory to front of existing dwelling (revised and resubmitted)
07/01016/FPA Mr G Sutcliffe	56 Salisbury Road Newton Hall Durham DH1 5QT	Erection of first floor pitched roof extension to side, single storey pitched roof extensions to front and rear, and pitched roofs atop existing extensions and porch to front and rear of existing dwelling
07/01018/FPA S And A Grenfell	89 Grinstead Way Carrville Durham DH1 1LY	Erection of two storey pitched roof extension to side, and single storey pitched roof extensions to front and rear, at existing dwellinghouse
07/01020/FPA Dr P McGoran	9 Ferens Park The Sands Durham DH1 1NU	Erection of two storey pitched roof extension to rear elevation of existing dwelling and insertion of 2 no. rooflights to rear roofslope
07/01021/AD CWS Retail Financial Services	Co-operative Bank PLC 29 High Street Durham DH1 3PL	Erection of 4 no. non illuminated fascia signs and 1 no. non illuminated hanging sign on existing commercial property
07/01033/AD Mrs S Knight	17 - 18 Frederick Street South Meadowfield Durham DH7 8LZ	Erection and display of non-illuminated shopfront fascia sign
*07/01035/FPA Hope Estates Ltd	37 Hawthorn Terrace Durham DH1 4EL	Erection of 2 no. single storey pitched roof extensions to rear of existing dwelling, relocation of window to existing two storey offshoot at rear and insertion of 2 no. rooflights to rear

07/01036/FPA Mr And Mrs Ledger	The Wyndings Hillcrest Durham DH1 1RB	Installation of solar panel to front roofslope of existing dwelling
07/01038/FPA Mr Handley	35 The Meadows West Rainton Durham DH4 6NP	Erection of conservatory to rear of existing dwelling and erection of 1.5m high timber fence to side and front boundaries
07/01039/FPA Mr Jordan	10 Aykley Vale Framwellgate Moor Durham DH1 5WA	Erection of single storey pitched roof extension to rear of existing dwelling
07/01041/CAC Mr And Mrs C R Whalley	Greenacres Sunderland Bridge Durham DH6 5HD	Demolition of existing flat roof garage in association with erection of replacement garage with ancillary accommodation above
07/01044/FPA M Baister	2 Whitesmocks Avenue Durham DH1 4HP	Erection of single storey pitched roof extension to side and rear of existing dwelling
07/01045/FPA Mr D Mobbs	2 Cooks Cottages Ushaw Moor Durham DH7 7PH	Partial removal and modification of existing decking to form shed with covered walkthrough and 1 no. decked area with associated steps and balustrade (revised and resubmitted)
07/01046/FPA Mr A Richardson	Land To Rear Of 61 Ramsay Street Tursdale Durham DH6 5NS	Erection of detached garage
07/01055/FPA Mr M Kimmitt And Ms F Steedman	17 Brancepeth Close Newton Hall Durham DH1 5XL	Erection of two storey pitched roof extension to the side of existing dwelling incorporating dormer window, single storey pitched roof extension to rear and rear conservatory

07/01057/FPA Mr C R Beddves	12 Beaver Close Pity Me Durham DH1 5GS	Erection of two and single storey pitched roof extensions to front, side and rear of existing dwelling (Revised and resubmitted)
*07/01058/AD CWS Retail Financial Services	Co-op Food Store Petterson Dale Coxhoe Durham DH6 4HA	Erection of internally illuminated signage to both side elevations, 1 no. internally illuminated fascia sign, 1 no. externally illuminated entrance sign and 1 no. non-illuminated information board all to front elevation and 1 no. internally-illuminated freestanding totem sign to west of existing building
07/01059/FPA Mr And Mrs M Cooper	11 The Moorlands Gilesgate Durham DH1 2LB	Erection of one and two storey pitched roof extension to rear of existing dwelling (Revised and resubmitted)
07/01060/FPA Mr I Hampton	20 Smithfield Pity Me Durham DH1 5PP	Erection of two storey pitched roof extension to rear of existing dwelling
07/01061/FPA Sainsburys Supermarkets Ltd	9 Sunderland Road Gilesgate Durham DH1 2LH	Installation of new shopfront with ATM
07/01067/FPA Mr S Neil	38 Victoria Court Ushaw Moor Durham DH7 7NQ	Erection of first floor pitched roof extension to side of existing dwelling
07/01068/FPA Mrs N K McIntyre	Finchale Banks Farm Cocken Road Finchale Durham DH4 6QP	Alterations to existing garage block
07/01074/FPA Mr A Sedgwick	22 Arundel Way Meadowfield Durham DH7 8UT	Erection of two and single storey pitched roof extensions to side elevation of existing dwelling

07/01075/FPA
Mr Fraser

12 Alexandra Close
Framwellgate Moor
Durham
DH1 5ED

Erection of conservatory to
rear of existing dwelling

07/01100/FPA
Jackson Stores Ltd

Bells Stores
26 Front Street
Framwellgate Moor
Durham
DH1 5EJ

Installation of new shopfront
with ATM and relocation of
existing refrigeration units to
proposed enclosed flat roof
at rear of existing building

* Determined under Chairman and Vice Chairman Delegated Authority

Applications recommended for refusal – reasons

4/07/00893/FPA

In the opinion of the Local Planning Authority the application site lies within the Green Belt where the construction of new development is inappropriate and will not be permitted unless it falls within specified categories. The current occupation of the application site (which was a former stable) is restricted to a person solely employed for security, maintenance or other function of the adjoining Bracken Hotel, or to those who are guests at the hotel. No functional justification has been provided for any identified need to extend these facilities, and the proposed use does not fall within any specified classes in the green belt and so conflicts with Policy E1 of the City of Durham Local Plan 2004.

The application site lies within the Shincliffe Conservation Area and an Area of High Landscape Value. In the opinion of the Local Planning Authority the proposed extension to the former stable building are considered to be disproportionate in size to the original building and the introduction of a dormer and balcony detracts from the design of the building. For these reasons the extension is considered to introduce an unacceptable suburban appearance to this rural area. For these reasons the application is not considered acceptable and is considered to conflict with policy E22 and E1 of the City of Durham Local Plan 2004.

4/07/00972/FPA

In the opinion of the Local Planning Authority the proposed extension will be located beneath the canopy of a protected mature trees that are of intrinsic value within the City of Durham Conservation Area. The position of the extension is likely to involve the disturbance to roots of the mature tree that threatens their long term. In addition the siting, layout and design of the extension is likely to lead to problems with shade cast and in the opinion of the Local Planning Authority lead to an increased pressure for tree works or tree removal. For these reasons the application is not considered to be acceptable and is contrary to Policy E14, E6 and E22 of the City of Durham Local Plan 2004.

In the opinion of the Local Planning Authority the proposed extension, by virtue of its scale and position would not be considered as subordinate to the existing dwelling and would detract from its character and appearance, and the visual amenity of the surroundings contrary to the requirements of Policy Q9 and E22 of the City of Durham Local Plan 2004.

4/07/01002/FPA

The Local Planning Authority considers that insufficient grazing land is provided for the purposes of the keeping of two horses. As a result the proposal is considered to be contrary to the requirements of Policy R16 of the City of Durham Local Plan 2004.

4/07/01040/FPA

The proposed side extension would have adverse amenity impact on the applicant restricting their ability to park and access and exit their vehicle and in doing so force the applicant to transgress on to their neighbours property restricting unreasonably the use of their drive so harming their amenity contrary to Policy Q9 of the City of Durham Local Plan 2004.

The proposed design of the side extension is not sufficiently subordinate in relation to the neighbouring dwelling and others in the immediate area harmful to the wider amenity. Also introducing an incongruous under croft feature further harmful to the character of the area contrary Policy Q9 of the City of Durham Local Plan 2004.

4/07/01049/FPA

The proposed extension will result in an unsympathetic addition to the original dwelling harmful to the character of the host property and surrounding area through its design, scale and visual appearance contrary to Policy Q9 of the City of Durham Local Plan 2004.

The proposed extension by virtue of its scale and massing will result in a more intensive form of development than existing encroaching upon the openness of the area harmful to the character and appearance of the conservation area contrary to Policy E22 of the City of Durham Local Plan 2004.

Applications recommended for conditional approval – conditions

4/07/00916/AD

TL3 Advert Approvals
DT7A Complete Accord

The maximum finished height of the sign in situ shall not exceed 2 metres in height from ground level.

Notwithstanding the information shown on the submitted plans, precise details of the proposed notice board frame, including materials and colour finish, shall be submitted to and approved in writing by the Local Planning Authority before development commences, being thereafter implemented in accordance with the approved scheme.

4/07/00968/FPA

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

4/07/00971/FPA

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

Notwithstanding the information shown on the submitted plans precise details of the colour scheme and finish of awning shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and thereafter implemented and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Notwithstanding the information shown on the submitted plans precise details of the method of fixing of the awning to host building shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and thereafter implemented and retained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Notwithstanding the information shown on the submitted plans the awning hereby approved shall not display any lettering, logos or symbols of any form

unless otherwise agreed in writing by the Local Planning Authority.

4/07/00982/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord

4/07/00985/FPA

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

4/07/01008/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord

4/07/01012/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 in the accompanying plans, a full schedule of works shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter implemented in accordance with the approved plans. This should include details of mortar mix, statement of working methods, proposed method of render removal and details of any further repairs that are required.

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 precise details of the proposed treatment to the existing lintels above all openings, 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 precise details of any proposed replacement lintels shall be submitted at scale 1:20 and a sample made available for inspection by the Local Planning Authority prior to development commencing, being 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.

4/07/01014/FPA

T1	Time Limit Full Approval 2004
DT5	Materials Sample
DT4	External Materials
DT8	Enclosure Details to be Agreed
DT23	Drainage Scheme
DT12	Windows in Reveal
PD4	Removal of PD Extensions
PD1	Removal of PD Garages
PD2	Removal of PD Outbuildings
DT10	Hardstanding Surface Materials
LA2	Landscaping Scheme Full Reserved Matter
DT7A	Complete Accord

The proposed development must be served by a new vehicular access to the public highway, constructed in accordance with Section 184(3) of the Highways Act 1980, the details of which 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.

4/07/01015/FPA

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

4/07/01016/FPA

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

No (further) windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted without prior, express planning permission of the Local Planning Authority.

4/07/01018/FPA

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

Notwithstanding the information shown on the submitted plans the rear elevation first floor windows shall be recessed into roofslope of rear extension, the precise details of which shall submitted at an appropriate scale and approved in writing by the Local Planning Authority prior to works commencing and thereafter implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

4/07/01020/FPA

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

4/07/01021/AD

TL3 Advert Approvals

4/07/01033/AD

TL3 Advert Approvals

Before the development commences full details of the colour scheme of the advertisement shall be submitted to the Local Planning Authority and approved in writing. The advertisement shall then be erected in accordance with the approved scheme.

4/07/01035/FPA

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

Notwithstanding the information shown on the submitted plans the proposed rooflights to bedroom and lounge/dining on rear elevation shall be conservation rooflights and shall finish flush with the roofline. The details of the design of rooflights shall be submitted at an appropriate scale to and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme.

4/07/01036/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord

4/07/01038/FPA

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

Notwithstanding the information shown on the submitted plans details of the colour and/or treatment finish of the fence shall be submitted to and approved in writing by the Local Planning Authority before development hereby permitted is commenced and thereafter implemented in accordance with the approved details.

Notwithstanding the information shown on the submitted plans the windows on north elevation of conservatory hereby approved shall be obscure glazed to the satisfaction of the Local Planning Authority and shall remain so thereafter in accordance with the approved scheme.

4/07/01039/FPA

T1 Time Limit Full Approval 2004
DT3 Finish of Materials

Unless otherwise agreed in writing with the Local Planning Authority this permission shall not relate to the kitchen window on the east elevation of the extension.

Before the development commences full details of the position and materials of the retaining walls, including a cross section of the garden shall be submitted to the local planning authority and approved in writing. The approved details shall then be implemented before the development is occupied.

4/07/01041/CAC

T1 Time Limit Full Approval 2004
DT7A Complete Accord

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.

4/07/01044/FPA

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

4/07/01045/FPA

T1 Time Limit Full Approval 2004
DT7A Complete Accord

Notwithstanding the information submitted, within 1 month of the date of this permission, details of the colour treatment and finish of the decking and shed hereby approved must be submitted to and agreed by the Local Planning Authority. Once agreed, the new decking and shed must be colour treated no later than 4 months from the date of this consent.

The roof of the shed hereby approved shall not at any time be used as an external recreational decking area.

4/07/01046/FPA

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

4/07/01055/FPA

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

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

4/07/01057/FPA

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

4/07/01058/AD

TL3 Advert Approvals
DT7A Complete Accord

Notwithstanding the information shown on the submitted application, details of the intensity of illumination proposed shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

The illuminated totem sign hereby approved shall not be illuminated between 22:01 and 06:59 hours.

4/07/01059/FPA

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

4/07/01060/FPA

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

4/07/01061/FPA

T1 Time Limit Full Approval 2004

Notwithstanding the information submitted with the application precise details shall be submitted to and approved in writing by the local planning authority as to the materials and finish of the area surrounding the cash machine and the brick type to construct the infill opening as indicated on plan No. 303 received 24th October 2007. The infill panel and area surrounding the cash machine shall be implemented in accordance with the agreed details thereafter prior to the opening of the premises.

4/07/01067/FPA

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

4/07/01068/FPA

T1 Time Limit Full Approval 2004
DT4 External Materials

The garage and store hereby approved shall not be used for commercial purposes and shall not be used for the storage and parking of vehicles other than private motor vehicles relating to the use of the residential dwelling Finchale Banks Farm house or any subsequent name it may become known.

4/07/01074/FPA

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

4/07/01075/FPA

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

4/07/01100/FPA

T1	Time Limit Full Approval 2004
DT4	External Materials

No development shall take place until details of a litter bin for use in association with the ATM hereby approved have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented with the installation of the ATM in accordance with those details.

List of Approvals

From 30/11/2007 to 19/12/2007

Number and Applicant	Location	Proposal
07/02668/PARTNR Mr Ryder	109 Warkworth Drive Chester-le-Street Co Durham	Sun Room, Utility & WC Extension
07/02687/DOM Mr C Hutton	76 High Street South Langley Moor Durham DH7 8EX	Conversion of dwelling into 2 flats
07/02692/PARTNR Mr A Elasad	34 Westbourne Terrace Shiney Row Sunderland DH4 4QU	Shop Extension at rear
07/02693/DEX Mr & Mrs R Hudson	7 Oliver Place Durham City Durham DH1 3QS	Sun Lounge, Kitchen & Bedroom Extension
07/02694/OTHC Comet Group PLC	Comet Unit 1 Arnison Retail Centre Pity Me Durham DH1 5GB	Store Fit Out
07/02755/DOM Mr & Mrs Bartram	Plot 1 Roslyn Mews Coxhoe Durham DH6 4BP	Detached House
07/02759/DRO Kingswood Properties Ltd	24 The Avenue Durham City DH1 4ED	Loft Conversion
07/02764/OTHC Durham County Council	County Hall Aykley Heads Durham DH1 5UL	Internal Alterations To Form Contact Centre
07/02765/DRO Mr & Mrs Steel	3 Wood View Shincliffe Durham DH1 2NQ	Loft Conversion to provide bedroom, bathroom and shower room with internal
07/02772/DEX Mr & Mrs Howarth	31 York Crescent Newton Hall Durham DH1 5PT	Sun room at rear, first floor extension, pitched roof to garage and internal alterations

Number and Applicant	Location	Proposal
07/02773/PARTNR Mrs T Barnes	65 Hilda Park Chester-le-Street Co Durham DH2 2JR	Garage conversion & new
07/02785/OTHC Durham County Council	Framwellgate School Finchale Road Framwellgate Moor Durham DH1 5BQ	Reception Extension
07/02788/PARTNR Mr Scanlon	51 Parkside Spennymoor Co Durham	Family Room Extension
07/02790/OTHDOM Mr Whitfield	23 Telford Close High Shincliffe Durham DH1 2YJ	Convert garage, internal alterations
07/02797/OTHC Durham County Council	DLI Museum DLI Museum Road Durham DH1 5TU	Rewire of Top Floor
07/02798/PARTNR Durham County Council	Blackhall Youth Centre Blackhall Colliery Co Durham	Fire alarm and emergency lighting installation
07/02800/OTHC Durham County Council	Bowburn Infant & Junior School Wylam Street Bowburn Durham DH6 5BE	Proposed Access Improvements
07/02803/DEX Mr Senior	10 Cartington Road Newton Hall Durham DH1 5YR	Shower Room Extension
07/02804/DRO Mr Welsh	Viewlands 4 Percy Terrace Durham DH1	Attic Conversion
07/02805/PARTNR Mrs Williams	4 Ebberston Court Spennymoor Co Durham	Bedroom, Lounge, Shower Room & Kitchen Extension
07/02812/DEX Mr Amin	Farm Cottage Bent House Lane Durham DH1 2RY	Alterations to form bedsit, extension

Number and Applicant	Location	Proposal
07/02815/PARTNR Durham County Council	Seaham Youth Centre Seaham County Durham	Fire Alarm & Emergency Lighting Installation
07/02816/PARTNR Durham County Council	Fishburn Youth & Community Centre Fishburn County Durham	Fire Alarm & Emergency Lighting Installation
07/02819/DEX Mr C E & Mrs T A	19 Barrington Way Bowburn Durham DH6 5QD	Singel storey pitched roof extension to rear of dwelling
07/02827/DEX Mr S Hethrington	15 Carlisle Road Newton Hall Durham DH1 5XE	Rear Ground Floor Extension to form Kitchen/Dining Room & Playroom
07/02828/DIS Mr Gully	19 Chichester Road Newton Hall Durham DH1 5QG	Conversion of garage into utility/wc
07/02832/ELECTR Thomas Flower	59 Wantage Road Carrville Durham DH1 1LP	Kitchen Extension
07/02833/OTHDOM Mr Exley	59 Bridgemere Drive Framwellgate Moor Durham DH1 5FG	Convert garage into bedroom

List of Refusals

From 30/11/2007 to 19/12/2007

Number and Applicant	Location	Proposal	Decision
07/02671/DEX Mr Gray	18 Auton Stile Bearpark Durham DH7 7DB	Convert from shop to house including extension	REJ16

Building Notices

Between 30/11/2007 and 19/12/2007

Number of cavity wall insulation applications 2

Number and Applicant	Location	Proposal
07/02817/GLAZBN Colin & Ann Robson	66 Front Street Pity Me Durham DH1 5DE	Install window in gable end of property
07/02824/OTHDBN D Storey	29 Bow Street Bowburn Durham DH6 5AL	Alteration of steps
07/02825/GLAZBN Justin Beuton	15 Durham Road Bowburn Durham DH6 5AT	Double galzed windows to the rear of the property
07/02829/DEXBN A Ingham	22 South End High Pittington Durham DH6 1AG	Single storey rear extension
07/02831/OTHDBN NHBC Claims	1 - 4 St Andrews Court New Elvet Durham DH1 3AH	Tanking System to external hardstand above rooms and associated works
07/02835/GLAZBN Mrs Alyson Kalus	112 Moor Crescent Gilesgate Moor Durham DH1 1DL	Replacement Windows
07/02836/OTHDBN James Hamilton	90 Wantage Road Carrville Durham DH1 1LR	Installation of velux window
07/02837/OTHDBN Mr J M Johnson	39 - 41 Brandon Village Durham DH7 8SU	Installation of Soil & Surface Water Drainage System to rear of Property (properties being converted to one dwelling)
07/02846/GLAZBN Julie Carpinter	20 Surtees Avenue Bowburn Durham DH6 5DZ	Replacement Windows

List of Regularisations

From 30/11/2007 to 19/12/2007

Number and Applicant	Location	Proposal
07/02810/DRORG Mr Worrall	9 High Street High Shincliffe Durham DH1 2PN	Loft Conversion and fixed staircase

