

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

13th March 2008

REPORT OF DIRECTOR OF STRATEGIC SERVICES

1. REPORT FOR INFORMATION

Section 106 Agreements

Members are asked to note that a report in relation to monies received from developers as part of planning conditions has been placed in the Members' Room.

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

13 March 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 Banks Development Ltd
Site at Mount Oswald Golf Course, South Road, Durham, DH1 3TQ
 - b) Appeals by Mr T Lewis - First Class Trade Windows
Site at The Adopted Highway land adjoining Graham House, Dragon Way,
Dragonville Industrial Estate, DH1 2DX
 - c) Site at 4 Buford Court, Western Hill, Durham, DH1 4TL
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
 - a) Appeal by J McArdle
Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU
 - b) Appeal by Mr I Foster
Site at land east of Paradise Cottage, Shadforth, Durham, DH6 1NJ
 - c) Appeal by Taylor Wimpey UK Ltd (George Wimpey North East)
Site at Dryburn Park House, Dryburn Road, Framwellgate Moor, Durham,
DH1 5AJ
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

4. Decisions made by the County Council

Application No:	CM4/08/34
Applicant:	Durham County Council
Location:	St Oswalds Infants School, Church Street, Durham, DH1 3DQ
Proposal:	County Council consultation relating to erection of canopy, ramps, steps, shelter

The above application was considered by the City Council under delegated powers on 28 January 2008 when it was resolved to offer no objection.

The above decision is given on the basis of the proposals relating to the wooden 'parent shelter' shown on the drawn elevations forming the basis of the application - NOT the steel and polycarbonate structure referred to in the supporting documentation. The City Council would question whether the proposed disabled ramp meets the required standards, given its relation to the entrance gates. Whilst no objection is raised to the entrance canopy, subject to a condition on colouring, the design of the new entrance doors is not considered acceptable, whether considered set against the rendered older building, the modern flat-roofed structure, or the new canopy.

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

Recommendation:

That the report be noted.

Application No:	CM4/08/50
Applicant:	Durham County Council
Location:	Site Entrance From A167 Durham Johnston Comprehensive School, Crossgate Moor, Durham
Proposal:	Erection of 2 no. advertisement flag poles

The above application was considered by the City Council under delegated powers on 23 January 2008 when it was resolved to offer no objection.

Durham County Planning Committee has now considered the proposal and resolved to approve the application for a limited period of 2 years.

Recommendation:

That the report be noted.

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			
06/0494/RM Ramside Estates Ltd	Land surrounding Hill Top Farm Pittington Lane High Pittington Durham DH6 1BW	Application for approval of reserved matters in respect of extension of existing golf course including major ground works, creation of ponds and landscaping, footpath diversions, creation of footpaths and underpass	APPROVE
ITEM 2			
07/0923/FPA Ministry Of Justice	HM Prison Frankland Finchale Avenue Brasside Durham DH1 5YD	Removal of existing kennel buildings and training units, and erection of two storey 120 person cell block, together with erection of replacement kennel facilities, change of use of existing kitchen building to gymnasium and reconfiguration of existing car park to provide 20 no. additional spaces	APPROVE
ITEM 3			
07/0997/FPA & 07/0998/CAC Anvil Homes Ltd	Scripton Farm Brancepeth Durham	Demolition of part of roof of existing farm buildings, demolition of metal framed barn, and brick store building	APPROVE
ITEM 4			
07/1220/FPA Mr M Hope	Land to north of Oakway Court Littleburn Road Meadowfield Durham	Erection of 14 no. residential units (Classes B1, B2 and B8) including vehicular access and parking	APPROVE
ITEM 5			
07/1243/RM K W Reader And Sons Ltd	Land adjacent to Durham City Football Park New Ferens Park Belmont Industrial Estate Durham	Reserved matters application for the erection of 1 no. office building (Class B1) and 1 no. leisure use building (Class D2) including details of siting, design and external appearance, means of access and landscaping	APPROVE

ITEM 6

08/0041/FPA Cllr J H Lodge	Nags Fold Farm Nags Fold Farm Road Pity Me Durham	Erection of agricultural livestock and general purpose building	APPROVE
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ITEM 7

08/0056/FPA Durham Villages Regeneration	Land at Prince Charles Avenue and Horton Crescent Bowburn Durham	Erection of 73 no. dwellings with associated vehicular and pedestrian access (revised and resubmitted)	APPROVE
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ITEM 8

08/0069/FPA Heliocity Ltd	Former Stonebridge Dairy Durham	Construction of business park (revised and resubmitted)	MINDED TO APPROVE
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ITEM 1

06/0494/RM	Land surrounding Hill Top Farm, Pittington Lane, High Pittington, Durham, DH6 1BW
Ramside Estates Ltd	Application for approval of reserved matters in respect of extension of existing golf course including major ground works, creation of ponds and landscaping, footpath diversions, creation of footpaths and underpass

SITE AND APPLICATION DESCRIPTION

Ramside Hall is located to the north east of Durham beyond the edge of the suburb of Carrville. The existing hotel and golf course are set within 48 hectares of land, part of which is formal parkland and formerly agricultural land before its conversion and re-use as a golf course. The car parking areas which serve the hotel and golf club are situated to the north-west and south-west of the hotel buildings. The landscape of the existing golf course comprises a typical parkland setting with wide open sweeps of grassland interspersed with groups of mature trees and blocks of forestry planting. There are also a number of water features throughout the area which were created during the construction of the golf course. The golf course has now reached a good level of maturity and it has positively contributed to the landscape quality of the area. The site itself extends to some 40 hectares and is bound to the south-west by the disused Leamside railway line, beyond which there is housing at Belmont. Pittington Lane runs along the North Western edge of the site, separating the site from the existing Ramside Golf Course. Pittington Beck is located to the south east of the site. Agricultural land is located beyond both Pittington Beck and the north eastern section of the site.

Within the site, Hill Top Farm sits on a plateau which slopes gently down towards Pittington Lane. Hill Top Farm consists of the remains of a farmstead which is clearly visible from both Pittington Lane and the former railway walk. The fields between Pittington Lane and Hill Top Farm comprise largely of undulating grassed fields divided by hedgerows, meadowland with scrub and occasional trees. To the south of Hill Top Farm, the land slopes away more markedly. To this side, there are some attractive wooded slopes and further fields separated by hedgerows. Pittington Beck lies at the bottom of the slope on this side. An attractive footpath walk runs through the site from Pittington Lane adjacent to the railway bridge to Hill Top Farm and then on over Pittington Beck. The path then links into a series of paths linking Belmont, Sherburn Village and Pittington.

This application seeks approval for the reserved matters of an extension to the existing golf course. It is proposed to extend the existing golf course onto land at Hill Top Farm which is separated from the existing Ramside Estate by Pittington Lane. The original farmland has not been in economic agricultural use for many years. The scheme includes major ground works and the creation of fairways, greens, lakes, bunkers, footpaths and landscaped areas typical of a golf course. The development also includes the diversion of the public right of way which currently runs across the site in order to accommodate the scheme. The diverted right of way would run parallel to the former Leamside railway line. A new vehicular access to Hill Top Farm from Pittington Lane would also be created. In addition, a new underpass would be created underneath Pittington Lane so that access could be gained to the new golf course extension from the existing golf course at Ramside Hall. Some overhead power lines would be relocated underground.

The design of the course would generally follow the contours of the existing land, particularly given the archaeological importance of the site, although the plateau area to the north side would receive some shaping. The south side nearer to Pittington Beck is already well

contoured and would require minimal interference. Most of the existing vegetation and wooded areas would be retained. There would also be areas of new tree planting, particularly on the plateau land. Existing healthy trees would be a major asset to the visual maturity of the course and the intention is that these would be retained.

The application is supported by a flood risk assessment, a tree survey, a great crested newt survey, a bat survey, a badger survey, a water vole survey and an archaeological assessment. It is estimated that an additional five staff would be employed in addition to the ten currently working at the golf course.

RELEVANT HISTORY

Ramside Hall was originally an Elizabethan House re-built in about 1820 by the Pemberton Family in the Victorian Gothic style as a Country House. It was listed in 1967 as a building of architectural and historic interest having been acquired in 1963 in a ruinous state, by a consortium of Durham businessmen who redeveloped it as a hotel. The hotel opened in 1964 with 12 bedrooms, a restaurant and grill and one meeting room. A series of developments of the original property have since taken place during the last 40 years to expand the hotel and establish the golf course and other facilities.

Outline consent was granted in March 2005 for a number of developments proposed as part of a long-term strategy for the site. These works include the redevelopment of the ballroom, the provision of a health/leisure spa, a car park extension, a hotel bedroom extension and the golf course extension incorporating bridges over or an underpass to Pittington Lane. Approval has been granted for the reserved matters details of the hotel bedroom extension. The current application is linked to the outline planning approval granted in 2005.

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance Note 2, Green Belts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

Planning Policy Statement 7, Sustainable Development in Rural Areas, sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.

Planning Policy Statement 9, Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance Note 16, Archeology and Planning, sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development

control systems, including the weight to be given to them in planning decisions and planning conditions. Explanation is given of the importance of archaeology and of procedures in the event of archaeological remains being discovered during development.

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. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.

Planning Policy Statement 25, Development and Flood Risk, sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

REGIONAL POLICY

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

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. The draft RSS emphasises the importance of landscape and heritage protection, where appropriate, safeguarding the North Durham Green Belt and also the need to adopt the principles of sustainable development. 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 E1 (Durham City Green Belt) reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.

Policy E7 (Development in the Countryside) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

Policy E10 (Areas of Landscape Value) is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

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

Policy E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ. Where preservation in situ is not justified, the Council will ensure that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose that such remains exist whose extent and importance is not known, that pre-application evaluation or archaeological assessment will be required. The Council will require, as a condition of planning permission that prior to development an appropriate programme of archaeological investigation, recording and publication is made, in cases where the preservation in situ of archaeological remains is not justified. In the event of archaeological remains being discovered once development has commenced, the Council will seek to ensure that adequate opportunity is made available to investigate and record such discovery.

Policy EMP16 (Employment in the Countryside) sets out the circumstances in which the Council will support proposals that create employment in the countryside.

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 T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

Policy R8 (New Recreation Facilities) states that the location of new recreation facilities will be dependant upon the need to ensure its appearance and use is not detrimental to the character and appearance of the area; it is accessible and satisfactory car parking can be provided.

Policy R10 (Recreation and Leisure in the Countryside) is concerned with new recreation or leisure development in the countryside. Developments should not be detrimental to the character and appearance of the countryside, areas of high landscape value or the openness of the Green Belt; adversely affect the natural or historic environment; adversely affect existing public rights of way or established recreational routes; adversely affect existing flora and fauna, wildlife habitats and wildlife corridors; have a detrimental effect on the amenity of residents or people using the area for other recreational activities; lead to the irreversible loss of the best and most versatile agricultural land; result in congestion on the local road network and be inaccessible by public transport, cyclists and pedestrians.

Policy R11 (Public Rights of Way) states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

Policy R18 (Golf Courses) states that the development of new golf courses or golf driving ranges, or improvements to existing courses, will be permitted provided it can be demonstrated that they would not have an adverse impact on: the openness of the Green Belt or the character and appearance of the countryside; or the natural or historic environment; or existing flora and fauna; or the agricultural viability of the best and most versatile agricultural land; or public rights of way; or residential amenity; or traffic and highway safety. All proposals for golf courses should be accompanied by full details of the design and its impact upon these interests.

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.

Policy Q5 (Landscaping – General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping. Policy Q6 requires all new developments on the edge of settlements or exposed sites to include peripheral structural landscaping within the site in order to minimise any adverse visual impacts.

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

Policy U9 (Watercourses) states that development which may affect watercourses will only be permitted provided that they do not result in flooding or increase flood risk elsewhere; or they do not result in the pollution of the watercourse; or they do not adversely affect nature conservation interests; or they do not adversely affect the visual appearance of the landscape; and their environmental impact is properly assessed.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority has no objections to the layout of the golf course. The new vehicular access will require a visibility splay of 2.4 metres x 160 metres, and should be constructed under the terms of Section 184(3) of the 1980 Highways Act. The underpass at Pittington Lane will need to be designed and constructed by the County Council at the applicant's expense. The golf course should not be opened until the underpass is complete.

Sport England has no objections to the application.

Natural England has no objections but suggest a condition to cover the mitigation sections of the protected species reports.

The Environment Agency has no objections and comment that there is to be no additional surface water run off to the watercourse in the vicinity.

The County Council's Rights of Way Officer has no objections to the scheme, having been involved in detailed consultation with the developer and their agent prior to the submission of the application. It is noted that a short length of the Southern section of the new path will cross Durham County Council owned land earmarked for the Belmont – Hetton walkway. The diverted path will tie in with land recently purchased for the walkway on the eastern embankment of the disused railway to link with the footpath to Sherburn. The County Council's Estates section has confirmed that they have no objections to this, as there are no envisaged additional maintenance issues other than those for which the County Council are legally responsible. A list of agreed conditions with the developer has been provided by the Rights of Way Officer, covering a range of details including the use of the path and boundary treatments.

The County Archaeologist has, during the course of the application, sought detailed surveys of the site, and these have largely been completed by the applicants in support of the proposals. They are now satisfied that sufficient pre-development evaluation has been carried out and now raise no objection to the scheme subject to conditions in relation to the publication of findings, phasing of works and submission of reports detailing the site investigation findings.

INTERNAL RESPONSES

The Environmental Health section has no comments to make.

PUBLIC RESPONSES

Belmont Parish Council is concerned about the diversion of the footpath, and the vague details regarding the altered route. It is also requested that consideration is given when construction begins to the working hours and days, so that work does not begin before 8am and disturb nearby residents.

Pittington Parish Council has objected, referring to their original objection at the scheme at the outline stage.

Four public representations have been received. One writer comments that they are satisfied that wildlife and environmental issues have been well considered. However, they are concerned about how the work would be carried out, and the access route which construction traffic might take to the site.

Two writers have objected to the movement of the footpath. The first writer is a regular user of the existing path, where they walk with their dog. It is thought that any development should be accommodated around the existing footpath. The second writer is concerned that the path would be moved to a steep section which would be unsafe for wheelchair users. It is also thought that the new route, near bushes, would be unsafe for children. The existing path has been a popular family walk.

The other writer states that they are not against the development of the golf course and they welcome the potential for new habitats. However, they are also concerned about the relocated right of way, which would have a reduced amenity value. Concerns are expressed about the steepness of the path and the lack of detailed information. It is considered that

more thought should be given to accommodating the footpath within the golf course, rather than push it to the edge of the site.

There are also concerns about the lack of detailed information on woodlands and existing vegetation including hedgerows and gorse. The landform drawings are unclear. The existing landforms should be retained as much as possible to protect the valuable existing vegetation. It is considered that detailed landscaping drawings are required. There are particular concerns about the potential impacts of hole 14 upon the existing woodland.

PLANNING CONSIDERATIONS

Outline planning permission (04/00836/OUT) was granted in March 2005 establishing the principle of the extension of the golf course onto the site. The critical issues involved in assessing the current reserved matters application relate to the impacts upon the openness of the Green Belt, its acceptability in landscape terms, the impacts upon wildlife, and archaeological remains, the acceptability of the drainage arrangements and the acceptability of the scheme in highways terms.

The site is located within the Green Belt where any new development must preserve its openness. Outline planning permission has established that this form of development is acceptable in principle, since it relates to an essential facility for outdoor sport and recreation related to an existing facility. Inevitably the proposals will result in a significant change to the landscape; however, the creation of a golf course extension is a form of development that is considered to preserve the openness of the Green Belt, in accordance with Policy E1. The existing golf course at Ramside Hall has matured well and is an excellent example of a sensitively landscaped golf course, and this offers encouragement for the future quality of the proposed.

Discussions have taken place with the developer in order to understand and develop the proposed landscaping arrangements, and it is considered that as a result of various revisions to the layout and the details of the scheme, it would visually enhance the landscape value of the area, particularly in relation to the section between Pittington Lane and Hill Top Farm. The attractive woodland features and slopes on the southern section of the site towards Pittington Beck are an asset of the site and would be retained and developed as part of the scheme, and indeed, the contours and features of the entire site lends itself to the development of a golf course. The proposed tree planting in the north eastern corner of the site would also afford some privacy to the residents of the nearby farm. There will be some limited tree removal to accommodate the underpass and some hedge removal within the main body of the site, but largely, the scheme includes significant landscaping, the details of which have been submitted as part of the application. Therefore, the proposals, subject to appropriate conditions to control works and ensure landscaping implementation/maintenance, are considered to accord with Policies E10, E14 and E15.

The impacts of the development upon wildlife are also key planning considerations in accordance with PPS9: Biodiversity and Geological Conservation. In this respect, the application is supported by a tree survey, a great crested newt survey, a bat survey, a badger survey and a water vole survey. Detailed advice on these studies has been sought from Natural England, and subject to conditions to cover habitat mitigation measures they have no objections to the scheme. There will inevitably be some disturbance in the short-term, which would be mitigated through these conditions, but the proposed ponds, for example, have the clear potential to enhance habitats in the longer term, and as such, the proposed development would comply with the objectives of Policy E16.

Since the submission of the application, significant archaeological assessment in the form of pre-development evaluation for the site has been undertaken. The archaeological investigations included a geophysical survey and trial trenching, which revealed the remains

of an enclosed south-facing Iron-Age settlement on the brow of the hill within the site. The enclosed settlement extends to some 50m by 80m and includes significant remains of timber structures and traditional round-houses, revealing how the site has been used previously. The site is therefore of archaeological importance and the applicants have liaised with the County Archaeologist to determine the scope of the works within the areas of importance, including minimal tillage, where only the surface is ploughed and seeded without any reforming of the landscape. Given the archaeological importance of the site and the importance of preserving the remains, a number of conditions are proposed in relation to the submission of additional information agreeing a programme of works, and subject to this, the County Archaeologist raises no objection to the scheme, and compliance with Policy E24.

In terms of drainage, the new landforms and water features will have particular requirements, and the applicant has investigated these issues with the relevant authorities at length prior to the submission of the application. The Environment Agency has no objections, and therefore, in terms of the drainage impacts and the impacts upon water courses, the application is considered to be acceptable and in accordance with Policy U8a.

The County Highway Authority has raised no objection to the scheme. Golfers would park at the existing complex at Ramside Hall and access the site through an underpass under Pittington Lane. The underpass would offer a safe route through and would be the least visually intrusive solution to creating an access point. The new access to Hill Top Farm should have a safe visibility splay. The development would not adversely affect highway safety and accords fully with Policy T1.

The existing footpath through the site is an attractive route and a well valued amenity. It also provides links to a wider network of footpaths. Indeed, the public comments on the application have mostly been concerned with the re-routing of the footpath. In this respect, the granting of outline planning permission for the golf course extension effectively establishes the principle of the diversion of the route. It would clearly be unrealistic and undesirable to retain the existing route of the path within a golf course development. The applicant has engaged in discussions with the Rights of Way Office to deliver a new wider route next to the former railway line. The diverted footpath would, for a limited section, have a slightly steeper gradient than the existing footpath, however, its meandering through existing mature trees and improved surface quality are such that it would as a whole, offer a diverse and interesting route. The County Rights of Way Officer has raised no objection to the diversion of the footpath and this would therefore accord with Policies T21 and R11.

In conclusion, Officers consider that the development will preserve the openness of the Green Belt and enhance the landscape value of the area, whilst wildlife habitats will be preserved and enhanced. The development is considered acceptable in terms of archaeological implications and highway implications, together with an appropriate scheme for the footpath diversion, and as such, it is considered that the scheme is of a high quality and has the full support of Officers.

RECOMMENDATIONS

First Recommendation

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

1. 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.

2. No development within the specified areas (including groundworks) shall commence until the applicant has submitted and carried out an agreed programme of archaeological works, to include publication of the results, for those specified areas as shown on drawing No. 206-03, revision I, submitted by the applicant. These works must be in accordance with a written scheme of investigation approved in writing by the County Archaeologist on behalf of the Local Planning Authority. The specified areas may be released on an area-by-area basis subject to approval in writing from the County Archaeologist on behalf of the Local Planning Authority.
3. No development shall commence until a geophysical survey report and pre-development evaluation report for the application site has been submitted to and approved in writing by the County Archaeologist on behalf of the Local Planning Authority.
4. The scheme of landscaping and tree planting shown on drawing no. 206-03 revision I, received by the Local Planning Authority on 7 February 2008 shall be carried out in its entirety within a period of 24 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
5. Notwithstanding the information shown on drawing no. 206-01 revision B in relation to the removal of trees and hedgerows, all other existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
6. No development shall commence until a scheme for the protection of all trees to be retained on site has been submitted to and agreed in writing with the Local Planning Authority, in accordance with BS59837:2005 (Trees in Relation to Construction). This scheme shall accord with the most recent plans and particulars and shall include:
 - a) Indication of the Root Protection Area and necessary special protection works within this area;
 - b) Protection works including details of means of enclosure/protection; and,
 - c) Such scheme as agreed in writing with the LPA shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
7. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the use hereby permitted shall be used only provided the approved access has been constructed, in accordance with the approved plans and specifications.

8. No development shall take place unless in accordance with the mitigation detailed within the protected species report, namely: Section E1-E4 of *Great Crested Newt Risk Assessment. Ramside Golf Course Extension, Carrville, Co. Durham* by *Durham Wildlife Services, 2007*; Section E1-E6 of *Hill Top Farm Buildings, Pittington Lane, Durham – Proposed Development. Bat and Barn Owl Report* by *Ruth Haddon, Autumn 2006*; and, Section E of *Water Vole Survey, Ramside hotel and Golf Course, Durham* by *Durham Wildlife Services, November 2005*.
9. The public footpath through the site shall not be closed or obstructed until a scheme for the diversion of the footpath has been implemented and opened for public use.
10. Notwithstanding the information shown on the submitted application details of the surfacing materials of the footpath and details of the heights and appearance of the adjacent fences along the length of the footpath 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.
11. The golf course shall not be opened until the underpass has been constructed and made available for use.
12. Prior to development commencing, a scheme of site practices and a scheme for the provision of access to the site for construction vehicles and traffic, whilst the development is under construction, aimed at minimising disturbance to those living close by, shall be agreed in writing with the Local Planning Authority and adhered to thereafter until the development's completion.
13. Prior to development commencing, full details of a programme for the phasing of the implementation of the planning permission have been provided in a statement to the Local Planning Authority, and approved in writing. The statement shall include works methodology; details of the removal of materials; and details of any remediation works (either temporary or permanent). The development shall thereafter be carried out strictly in accordance with that statement unless otherwise first agreed in writing by the Local Planning Authority.

Second Recommendation:

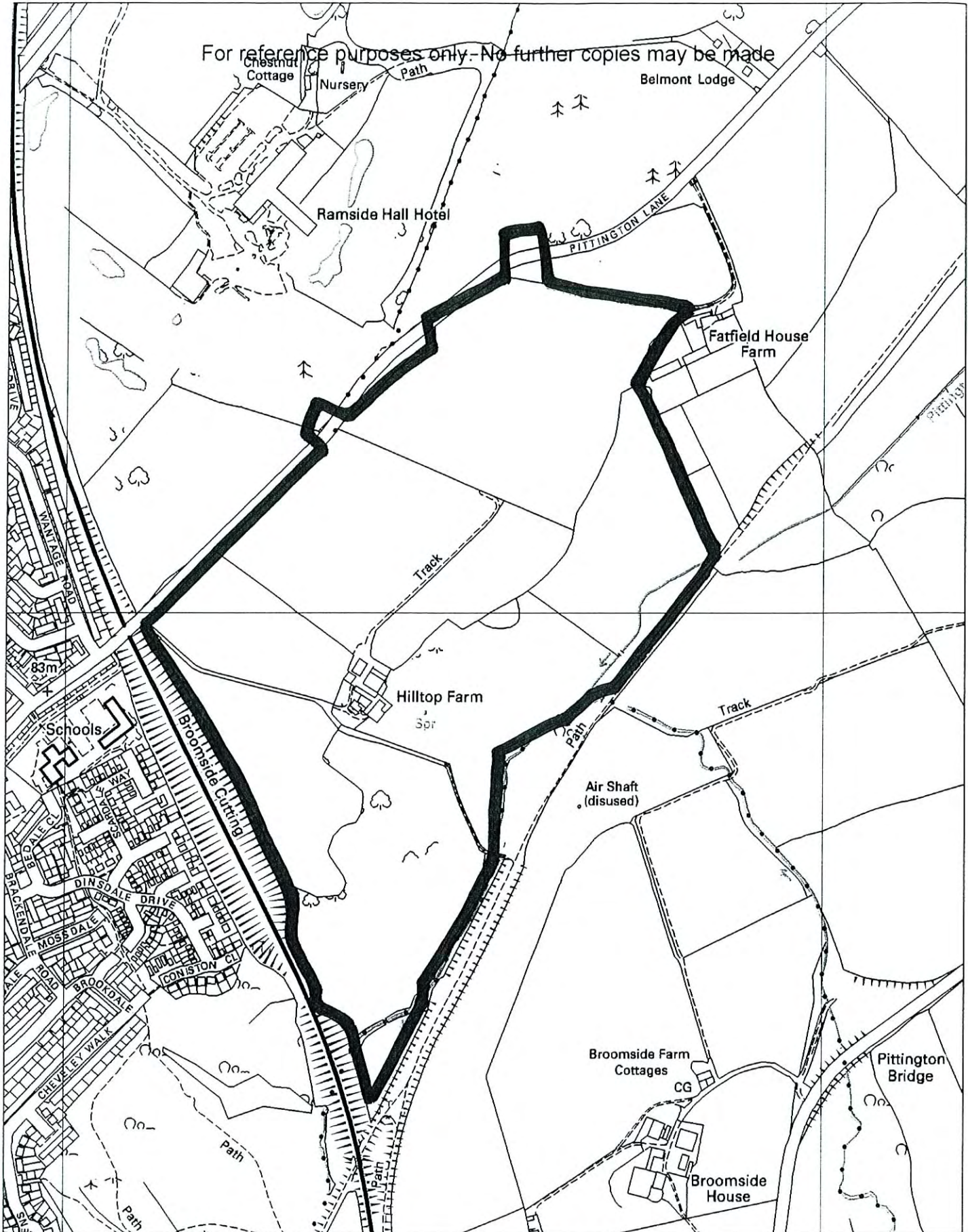
That authority is given to the making of an order under Section 257 of the Town and Country Planning Act 1990 to the diversion of the public footpath, subject to the applicant paying the Council's administrative and advertisement costs.

BACKGROUND PAPERS

Submitted Application Forms and Plans
 Planning Application Reference 04/00836/OUT
 Planning Policy Guidance/Statements: PPS1, PPG2, PPS7, PPS9, PPG16, PPG17 and PPS25
 Regional Planning Guidance for the North East (RPG1) and Draft Regional Spatial Strategy (RSS)
 City of Durham Local Plan 2004
 Responses from County Highway Authority
 Responses from County Council's Rights of Way Officer
 Response from Sport England
 Response from Northumbrian Water

Responses from Natural England
Response from Environment Agency
Response from Belmont Parish Council
Response from Pittington Parish Council
Responses from County Archaeologist
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



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Application No. 4/06/00494/RM
 Land Surrounding Hill Top Farm, Pittington Lane

Comments

Date	26 February 2008	Scale	1:6667
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ITEM 2

07/00923/FPA	HM Prison, Frankland, Finchale Avenue, Brasside, Durham, DH1 5YD
Ministry Of Justice	Removal of existing kennel buildings and training units, and erection of two storey 120 person cell block, together with erection of replacement kennel facilities, change of use of existing kitchen building to gymnasium and reconfiguration of existing car park to provide 20 no. additional spaces

SITE AND APPLICATION DESCRIPTION

The application site relates to Her Majesty's Prison Frankland, a large high security prison located on the edge of Brasside within the Durham City Green Belt. The site, by virtue of its overall scale has been designated as a 'Major Developed Site' within the Green Belt. The site of the proposed works within the prison walls is toward the western periphery of the facility.

Planning permission is sought to erect a two-storey building which would comprise some 120 individual cells for use as prison accommodation, together with the relocation of existing buildings associated with dog handling and the change of use of the existing kitchen building to forma gymnasium. A new kitchen building has recently been completed at the site. In addition, the application involves the reconfiguration of car parking to the front of the main prison walls.

RELEVANT HISTORY

In 2003 under the former Circular 18/84 (Crown Land and Crown Development) regulations, the Council raised no objection to the erection of a 120 person cell block (03/00399/GD) on the site which now forms the application site. Since chapter 1 of part 7 of the Planning and Compulsory Purchase Act 2004 came into effect in June 2006, development on Crown land such as Prisons requires consent in a similar manner to other applicants. The development proposed in 2003 could not now be implemented as a result of additional buildings having been erected on the site, hence the requirement for this application.

POLICIES***NATIONAL POLICIES***

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

Planning Policy Guidance 2: Green Belts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land use objectives and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and reuse of old buildings are summarised.

Planning Policy Guidance 13: Transport, sets out that key objective are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings.

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 E1 (Durham City Green Belt) reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.

Policy E2 (Major Developed Sites in Green Belt – Infilling) permits development within a Major Developed Sites provided that it has no greater impact on the openness of the Green Belt than the existing development there, does not exceed the height of the existing buildings, and does not lead to a major increase in the developed proportion of the site.

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

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

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

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.

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

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

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority has raised no objection to the proposals, following the submission of a green travel plan for the prison.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

In accordance with Article 8 of the Town and Country Planning (General Development Procedure) Order 1995, the application has been advertised both on site and in the press, while individual letters have been sent to 14 properties.

There have been no objections to the scheme.

PLANNING CONSIDERATIONS

The main issues are whether the proposals would represent inappropriate development in the Green Belt in the context of the sites designation within a Major Developed Site, and whether the proposals would be prejudicial to highway safety considerations.

Policy E2 allows limited infilling of major developed sites where there is no greater impact upon the openness of the Green Belt than the existing development, where the height does not exceed that of existing buildings and where it does not lead to a major increase in the developed proportion of the site. The proposed relocation of the existing dog handling buildings within the site is considered not to have any greater impact upon the openness of the Green Belt, whilst being of single storey in height are lower than existing buildings and would not increase the proportion of development within the site.

In terms of the proposed cell block, similarly, it is well contained within the site and surrounded by a number of existing buildings all of which are similar in height. The site itself is densely developed and therefore a further building will not lead to a significant increase in the developed proportion of the site. The proposed building is not therefore inappropriate development in the Green Belt.

A further cell block able to accommodate an additional 120 prisoners has clear implications for highway safety as result of increased staff levels and visitors to the prison. The County Highway Authority has been concerned that the level of parking available at the site is insufficient to meet the additional demand. The applicant's have therefore sought to establish a Travel Plan examining the staff and visitor travel patterns in particular, and which seeks largely to promote car sharing, investigate the provision of a direct bus service to the prison, promote public transport usage for visitors and staff, and provide facilities for cyclists. These measures form part of a commitment by the prison to address issues of sustainable transport and reduce car parking demand from both existing staff members and visitors in addition to those persons associated with then new buildings. Subject to this and an appropriate condition to ensure the Travel Plan's progress, no objection is raised by the County Highway Authority.

In summary, the proposed buildings would not constitute inappropriate development in the Green Belt and will not result in detriment to highway safety, and have officers' support.

RECOMMENDATION

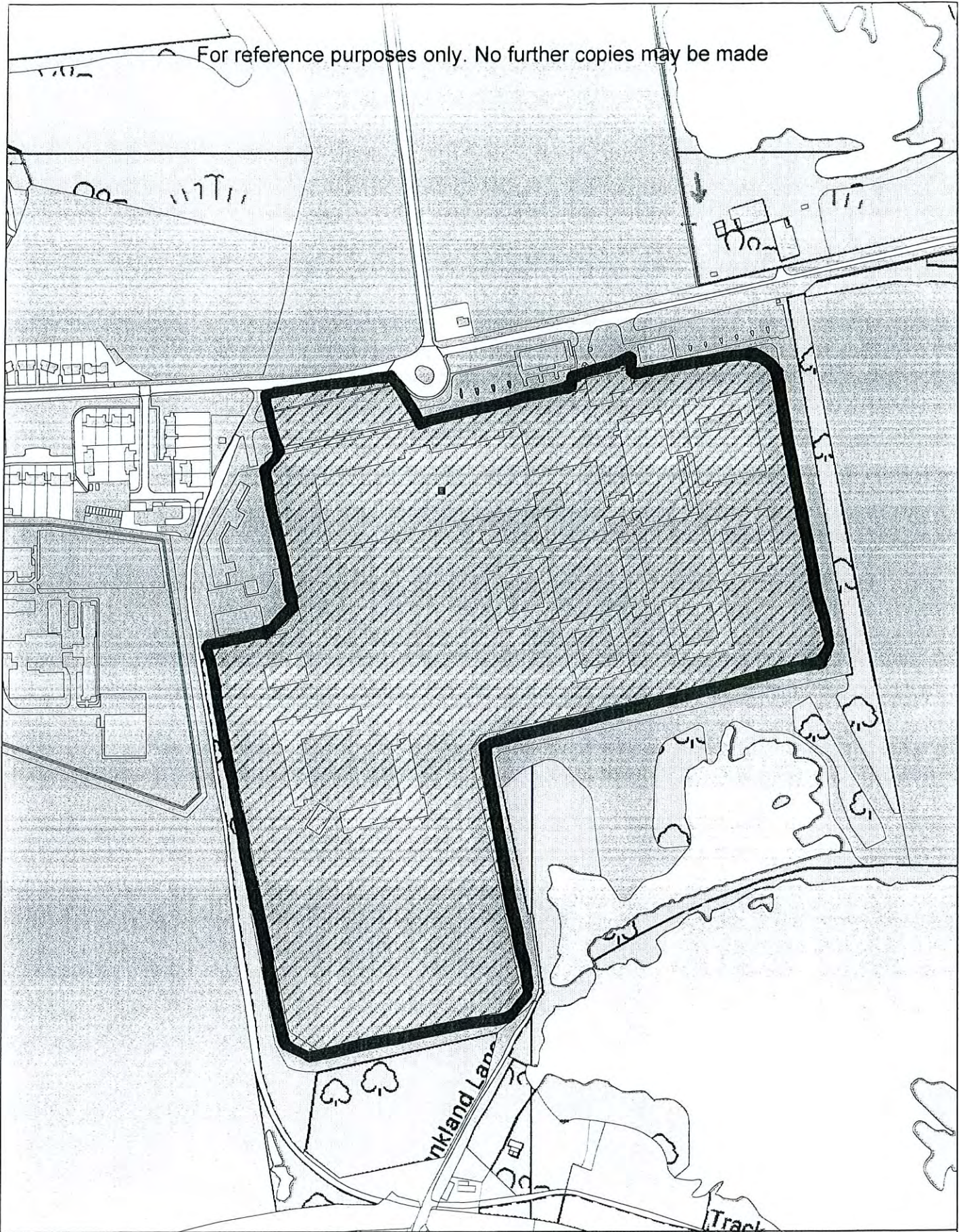
That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. A review of the Travel Plan submitted with this application shall be undertaken annually and submitted to the Local Planning Authority and the County Highway Authority, and shall include updating the travel to work data and used to amend targets and actions in the Travel Plan as appropriate.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Regional Planning Guidance RSS and Draft RSS
Planning Policy Statements/ Guidance PPS1, PPG2 and PPG13
City of Durham Local Plan 2004
Responses from County Highway Authority
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/07/00923/FPA

HM Prison Frankland Finchale Avenue Brasside

Comments

Date

26 February 2008

Scale

1:3750

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ITEM 3

07/0997/FPA & 07/0998/CAC	Scripton Farm, Brancepeth, Durham
Anvil Homes Ltd	Demolition of part of roof of existing farm buildings, demolition of metal framed barn, and brick store building

SITE AND APPLICATION DESCRIPTION

Scripton Farm is situated adjacent the A690 on the outskirts of Scripton Gill, Brandon, at the junction of the road to Holywell Hall. The existing residential accommodation – nos 1 & 2 Scripton Farm - do not form part of this application, with the exception of a small out-house to their rear. The proposals relate to the conversion and redevelopment of the barns and former farm buildings to the rear of the existing residential building. Mainly brick-built, and of traditional appearance, the buildings have been redundant for some time. The main range of buildings do lend themselves to conversion, unusually having a good covering of window and door openings, and well placed and extensive areas of hardstanding surrounding and within the structures.

Situated at the edge of Brancepeth Estate, and therefore within designated protected parkland, an Area of High Landscape Value, and Brancepeth Conservation Area, the site is well screened from the main road, with only glimpsed public views. A private estate access track which serves a small group of residential buildings at Peppermires passes through the farmyard, and this application proposes a small deviation to this.

The application arises from protracted pre-application discussions, involving the Heritage & Design section of Cultural Services and proposes the subdivision of the buildings into seven residential units, and the construction of a garage block to the south of the existing buildings, and as noted above a diversion of a private access track.

RELEVANT HISTORY

A Listed Building application involving the demolition of a small outhouse to the rear of the existing residential buildings was approved in January this year.

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 7: Sustainable Development in the Countryside, sets out sustainable development as the key principal underpinning rural land use planning, setting out criteria for development and conversion of buildings in the countryside and appropriate land uses. Detailed advice is given on the conversion of existing buildings, and appropriate uses in the countryside, balanced against the needs of farming and employment in the countryside.

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, including tests to determine the appropriateness of different types of development in historic environments.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008. RPG 1 is to be replaced by The Regional Spatial Strategy (RSS) for the North East, which has reached an advanced stage. The RSS gives added emphasis to the principles of sustainable development that apply to the location, scale, design and type of development.

LOCAL PLAN POLICIES

Policy E22 is designed to protect the character and appearance of the city's Conservation Areas, 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 in question.

Policy E26 notes that in areas designated as Historic gardens or parkland proposals must not detract from the enjoyment, layout, design, character, appearance or setting of the park or garden, or involve the loss of features considered to form an integral part of that character.

The site is included within an Area of Landscape Value, as defined under Policy E10, which restricts development which would have an adverse impact on the appearance of such areas.

Policy H5 refers to new housing in the Countryside, including rebuilding of derelict or abandoned housing, requiring a connection to a countryside related business, confirmation provision cannot be made within existing buildings or within settlement boundaries, and respecting the character of the landscape setting in terms of siting, design, materials, landscaping, landscape features, and relationship to nearby buildings. Again the Policy is cross-referenced to E8.

Policy E8 notes that the change of use for buildings in the countryside will be considered acceptable if, the buildings are of permanent or substantial construction, and major extension or rebuilding, any historic or architectural interest in the buildings is retained, the appearance of unsightly buildings is improved, there is no adverse impact on the character of the countryside, or the amenities of neighbours, and a case has been made that efforts to reuse the building for employment purposes can be demonstrated.

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.

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 Q5 states that any development that has an impact on the visual appearance of an area will be required to incorporate a high standard of landscaping within its overall design and layout.

The requirements for accommodation of the requirements for foul and surface drainage within development schemes is outlined in Policy U8a.

The full text of the above policies and the individual criteria within are to be found within the City of Durham Local Plan, 2004, available at Council Offices and at www.durhamcity.gov.uk.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raise no objection to the proposals, subject to the new site access being built to the appropriate standards.

Correspondence and advice from Durham Bat Group and Natural England have confirmed the appropriateness of conditioning the approach proposed in the applicant's Bat Report, and noting the advantages of a Bat Licence as an 'informative' of any planning approval.

Northumbrian Water has no comment to make on the scheme.

PUBLIC RESPONSES

The three residents from Peppermires have objected to the alteration to the access track as proposed as it affects their right of access to their property.

Brancepeth Parish Council request the number of trees to be removed be minimised, consideration be given to the disturbance of wildlife, and speed restrictions for vehicles be introduced approaching the area.

PLANNING CONSIDERATIONS

The farm buildings at Scription Farm are an attractive collection of traditional agricultural buildings. Arranged in a square, with two ranges of outbuildings, the main elevations unusually present a high number of existing or sealed openings, offering the potential of a conversion that does not compromise the building complex existing appearance.

The proposed development does remove the open storage building to the east of the barns, a basic open structure with breeze block elements at lower levels, and a half-open brick built single storey asbestos sheeted roof storage building to the south.

The application proposes the subdivision of the main square of buildings into seven residential units. The central portion of this complex will be opened up to provide an enclosed central courtyard for six of the new residences, the seventh having a private area adjacent its gable end. Covered parking will be provided in to form of a communal garage block in the

location of the existing single storey outbuilding, with eight covered spaces in total. The scheme also proposes a diversion of the existing access to the farm, from its current position emerging onto the junction of the A690 and the lane to Holywell, to a point approximately 50m east, still onto the lane, but away from the junction.

The application has been accompanied by the required supporting documentation relating to ensuring the buildings are redundant for farming purposes, and have been marketed for alternate employment generating uses in the countryside, that the buildings are structurally capable of conversion, arboricultural and protected species legislation and requirements, and a Design and Access Statement addressing and explaining and justifying the design approach and ethos. This documentation is in line with the Council's approach to the development of such buildings, set out between the advice in annex 6 of the City of Durham Local Plan, and Policy E8 – 'Change of Use of Buildings in the Countryside', with the buildings of permanent construction, requiring minimal extension, retaining their architectural interest, having the less attractive buildings removed, and with traffic movements in line with the requirements of Policy T1.

Policy E8's requirements for such developments to have 'no significant adverse effects on the character and appearance of the countryside' (the site is not within Green Belt), is complimentary with the Conservation area, Area of Landscape Value, and historic parkland policies in respect of the requirement to protect the character and appearance of the site and its setting. These last three policies are aimed at protecting the characterful parkland setting of Brancepeth Castle, thus explaining the large sweep of land included within the formally protected area. The existing farm group is well served by its position adjacent mature belts of managed woodland, which benefits the proposals both in providing both a mature and screened setting, the buildings being visible in glimpsed views from the three main vantage points; the A690, the private estate road to Peppermires, and Holywell Lane.

Also included with Policy E8 is the requirement to ensure no significant effect on the amenity of neighbouring occupiers. The added security of the residential use proposed will benefit the residents of the immediately adjacent house, and given the proposed window relationships, and disposition of existing and proposed private space, this property should accrue a net benefit from the scheme. Objection has been received from the residents of the small group of buildings sited within Brancepeth Estate to the south of the Farm. They have requested that the application be deferred until the legalities of their right of access have been resolved. Officers note that the scheme does provide a physical link from the existing farm track to the public highway, and in doing so potentially provides for the residents of Peppermires, the formalities of the legal agreements required to protect their legal rights, being a civil issue between them and the landowners.

The detailed proposals have been the subject of extensive pre-submission discussion with Planning and Conservation Officers, and the scheme as set out reflects this in the design approach. Farm conversions are often dependent for success on both the basic design approach, and the quality of finish and detailing. Therefore if members are minded to approve the application a list of conditions is proposed in this respect to ensure that the detailing reflects the quality and character of the host structures. Conditions would also be proposed to remove rights to alter or extend the units without the need for further consent, to ensure the intended quality of the conversion is maintained.

In noting the above comments relating to the matured landscape setting within which the existing farm group is set, and the fact that new building works is constrained to the footprint of existing structures, the contention of the submitted arboricultural report that minimal additional landscaping is required is accepted by officers, when set against the requirements of Policy Q5, given this existing flora, the appropriate design approach, and the minimal extension proposed, mitigates the development's potential visual intrusion.

Officers consider that this proposal offers the opportunity for an attractive and appropriate conversion of redundant farm buildings in the countryside. The proposals relate well to the layout and design of the existing buildings, and potentially provide a safer vehicular access/egress onto the busy A690. Helped by the exiting mature setting of the farm, the effect on the Conservation Area, Historic Parkland, and Area of Landscape Value is minimised to a negligible degree, with the potential effects on existing residents considered acceptable. Conditions are suggested to ensure both quality and detail in the build process, is as required, and that future alterations require consent, and do not compromise the scheme at a later date. Conditions to ensure the building works are in line with the prospected species legislation are set out, along with an informative to remind the developer of their obligations regarding licences for such works. Officers are able to support the proposal.

RECOMMENDATION

That these applications be **APPROVED** subject to the following conditions:

4/07/997/FPA

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. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development

commences, and thereafter implemented in accordance with the approved scheme.

8. Notwithstanding the information shown on the submitted plan full joinery details of all windows, doors, louvres, bargeboards and soffits and external wooden parts of the building, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
9. 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.
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 in relation to the development, until detailed drawings including cross sections showing the existing and proposed site levels, including means of ground retention structures and walls and the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Before development is commenced the developer must meet on site with the Local Planning Authority to establish the site levels to be used in the development. The development shall be thereafter completed in accordance with the agreed details.
11. Notwithstanding the information shown on the submitted plans, full details of the proposed rainwater goods, to include a section, details of materials, hoppers and junctions, and existing sections to be retained, shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no garages or car ports (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forward-most part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s), and no new windows, doorways or openings in any elevation or roof-slope of the dwellings or outbuildings without the grant of further specific permission from the Local Planning Authority.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no satellite antenna shall be installed, altered or replaced on the dwelling-house(s) or within its/their curtilage(s) without the grant of further specific permission from the Local Planning Authority.
17. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications.
18. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
19. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
20. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
21. The garage(s) 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.

22. The Conclusions and recommendations of the 'Bat and Barn Owl Survey of Scripton Farm', by E3 Ecology Ltd., received by the Council 25th Oct. 2007, pages 30 -35 must be carried out in full before and during development work . If the development works do not take place within a period of 12 months of this consent, a further, up to date investigation must be carried out and submitted to the Council, and approved in writing by them before works commence.

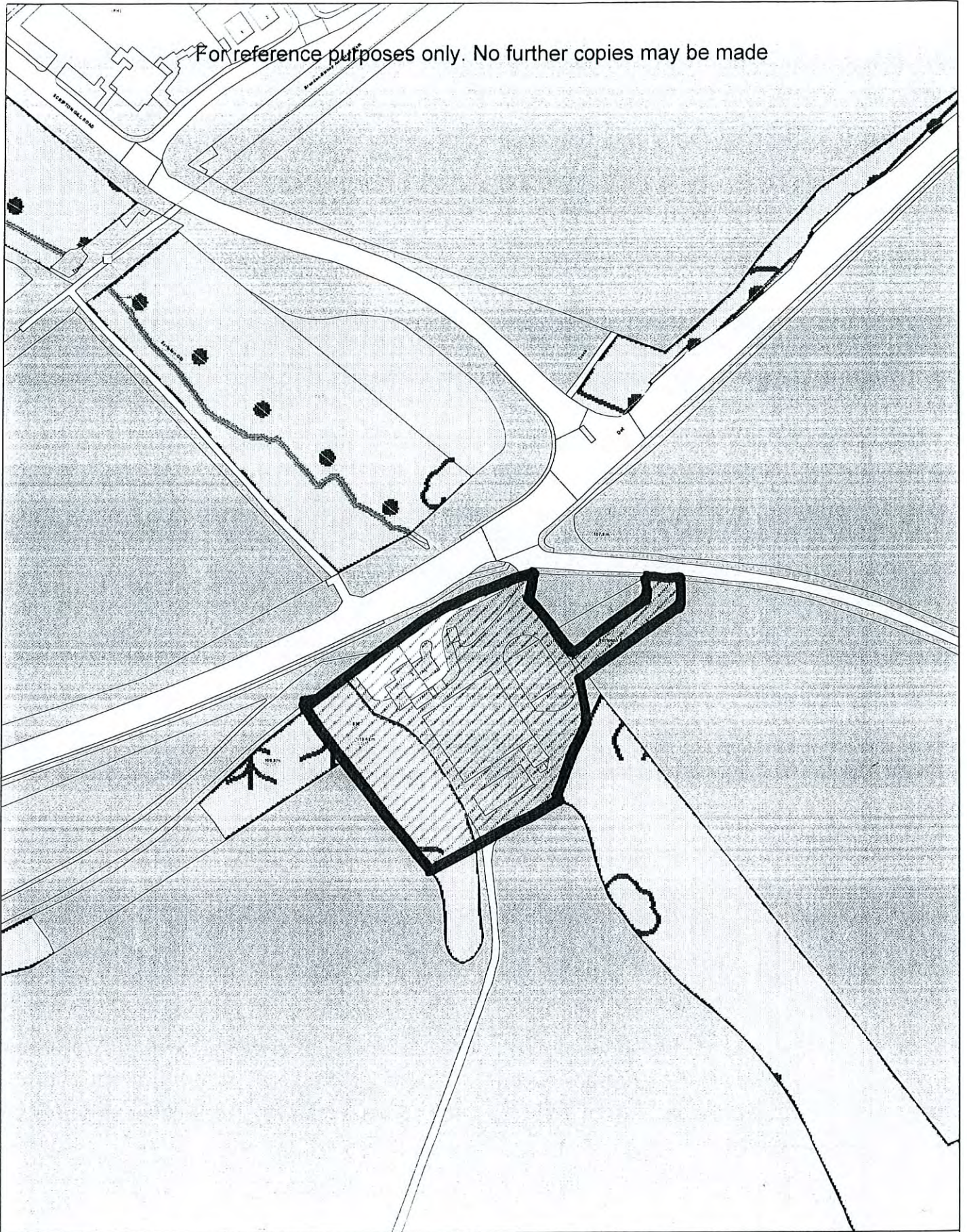
4/07/998/CAC

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Bat and Barn Owl Report
Farm Statement
Structural Report
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in the Countryside
Planning Policy Guidance Note 15: Planning and the Historic Environment
Regional Planning Guidance for the NE (RPG1) & Regional Spatial Strategy (Draft) (RSS)
City of Durham Local Plan 2004
Responses from Statutory Consultees
Public Consultation Responses
Various File Notes and Correspondence

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City of
Durham

Planning Services

Application No. 4/07/00997/FPA + 4/07/00998/CAC
Scripton Farm, Brancepeth, Durham

Comments

Date

26 February 2008

Scale

1:1875

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ITEM 4

07/1220/FPA	Land to north of Oakway Court, Littleburn Road, Meadowfield, Durham
Mr M Hope	Erection of 14 no. residential units (Classes B1, B2 and B8) including vehicular access and parking

SITE AND APPLICATION DESCRIPTION

The application site comprises an open greenfield site extending to some 0.79ha and which is located at the southern end of Littleburn Industrial Estate. To the north of the site is an existing plant hire business occupying a two-storey pitched roof building, while immediately to the south lies Oakway Court, a development of 12 no. small single storey business units. Further undeveloped land lies to the west, while to the east is an existing factory. A number of semi-mature trees and vegetation bound the southern edge of the site, while the site itself is relatively level, it is set above the road level.

Planning permission is sought to erect 14 no. small business units, with a total floorspace of some 2818m² together with associated site access parking provision and service areas. The site will be laid out such that there will be two blocks situated along the northern and southern site boundaries with a central access and parking area (54 spaces, including 9 disability spaces). The buildings are to be constructed of facing brickwork to front and side elevations with the remainder in horizontal and vertical composite cladding in various shades of grey and blue.

The buildings are intended for uses falling within Classes B1, B2 and B8 of the use classes order, these being offices, general industry, and storage and distribution uses.

RELEVANT HISTORY

No relevant site history.

POLICIES***NATIONAL POLICIES***

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

Planning Policy Guidance note 4: Industrial and Commercial Development and Small Firms. This PPG takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together. This PPG will be replaced by PPS4 (Planning for Sustainable Economic Development) which has been issued in draft form. Paragraphs 24 and 25 are relevant in requiring the efficient and effective use of land, as well as securing a high quality and sustainable environment.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings.

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 (General Industrial Sites) seeks to promote the overall quality of the Districts General Industrial estates while permitting development falling only within classes B1, B2 and B8 of the Use Classes Order.

Policy T1 (Traffic Generation – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway.

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

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

Policy Q3 (External Parking Areas) seeks to ensure that large areas of proposed parking are broken up into smaller units to minimise their visual impact.

Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raises no objection to the proposals, subject to surface runoff from the site being collected before it reaches the highway.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

The application has been publicised by way of both press and site notices and no representations have been received.

PLANNING CONSIDERATIONS

The main issues to consider are the principle of the development and whether it is appropriate in scale and design to its designation within the Industrial Estate, while ensuring that the development does not give rise to conditions prejudicial to highway safety.

The proposed 14 no. business units will accommodate uses falling within Classes B1, B2 and B8 of the Use Classes Order, and in this respect, they are entirely appropriate to Langley Moor/Littleburn Industrial Estate, and will assist in the further expansion of the industrial estate to the south within its designated boundaries. The proposed development in principle accords with Policy EMP8(b) by virtue of the intended uses. The units themselves vary in size, from 69.5m² to 458m², and should therefore appeal to a variety of end users.

Surrounding developments while limited in this part of the industrial estate are a mixture of small industrial units, stand-alone storage and distribution uses together with more industrial processing sites. The site is rectangular and the layout has sought to make effective use of the site by siting the units in two blocks along the lengths of the site at right angles to the road, with the serving and parking largely positioned centrally within the site. This is the most effective layout for the site. In terms of height at just under 6m they are relatively modest and similar to Oakway Court, a similar development immediately to the south of the site. In terms of appearance, the units would be constructed of brickwork to principle elevations together with the use of vertical and horizontal composite cladding. Such materials are entirely appropriate to the sites designation and are again reflective of Oakway Court. Between the units and the road will be grassed bank with a palisade fence for security purposes. Again this is appropriate to the sites context, however, sufficient space remains for some low-level landscaping providing a visual break between the gable elevations of the buildings and the palisade fence to soften their impact, and a condition is proposed to this effect. Therefore, in terms of layout, scale, appearance and landscaping the proposals are considered to accord with Policies, EMP8, Q1, Q2, and Q7.

In terms of access and parking, the County Highway Authority are satisfied with the layout and means of access, subject to an assurance that surface run-off from the ramped access will be collected before it reaches the highway. A condition would be appropriate in the circumstances. On site provision includes 54 parking spaces, of which 9 would be designated disability spaces, while cycle stores are also included, capable of accommodating 12 bikes. The proposals are considered to accord with Policy T1.

A geo-environmental appraisal has been submitted with the application and this has revealed that the site has not been the subject of industrial processes in the past or affected by local mining and is not therefore contaminated, and conditions in this respect are not necessary.

In summary, the proposals are considered to be acceptable in their context and will further assist in the improvement and overall quality of Langley Moor/Littleburn Industrial Estate and encourage inward investment to the District. Officers fully support the application.

RECOMMENDATION

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

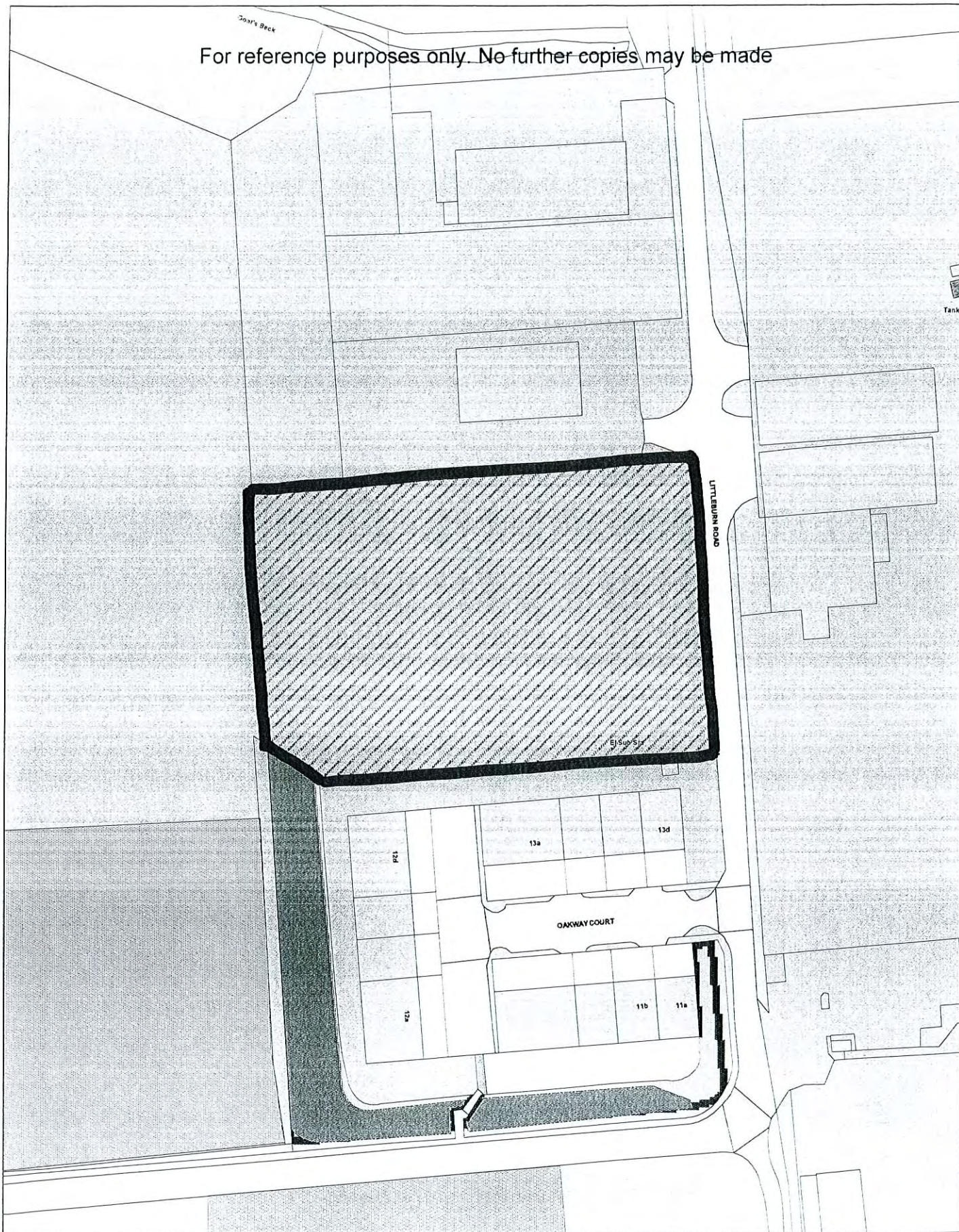
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.


3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. All surface water runoff shall be collected before it reaches the adopted highway.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Geo-environmental Appraisal
Planning Policy Guidance/Statements: PPS1, PPG4/PPS4
Regional Planning guidance for the NE (RPG1) draft Regional Spatial Strategy (RSS)
City of Durham Local Plan 2004
Responses from County Highway Authority
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



 City of Durham Planning Services	Application No. 4/07/01220/FPA Land To North Of Oakway Court, Littleburn Road, Meadowfield			
	Comments			
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham City Council Licence No. 100022202 2005	Date	26 February 2008	Scale	1:1250

ITEM 5

07/1243/RM	Land adjacent to Durham City Football Park, New Ferens Park, Belmont Industrial Estate, Durham
K W Reader And Sons Ltd	Reserved matters application for the erection of 1 no. office building (Class B1) and 1 no. leisure use building (Class D2) including details of siting, design and external appearance, means of access and landscaping

SITE AND APPLICATION DESCRIPTION

The application site lies immediately to the east of New Ferens Park, the base of Durham City Football Club, within Belmont Industrial Estate.

To the north stand industrial units, to the south is open land that enjoys planning permission for office development. To the east lies the main Belmont Industrial Estate spine road, with offices beyond; while to the west is the football pitch of Durham City FC.

A two storey flat roof leisure building is proposed for the northern part of the site, containing a ground floor bowling alley with ancillary amusement machine arcade, lounge, deli and bar; with second floor play area and billiards room. Of contemporary design, the building will employ a colour coated composite cladding system fitted to a steel frame. Random patterns will be created through the use of individual coloured panels to present a lively and creative appearance.

A two storey flat roof office building will occupy the south of the site. This too will employ a colour coated composite cladding system fixed to steel framing.

Between the two buildings will lie parking and enclosed refuse stores, while further parking will be provided between the football pitch and the site's northern boundary.

Access will be taken from the existing football club road leading from the main industrial estate spine road.

RELEVANT HISTORY

Outline planning permission was granted in 2006 on this and an adjoining site for a fitness centre and dance studio, children's nursery, offices and a small retail unit with associated parking.

Reserved Matters permission has already been granted for the nursery, and this is now built.

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance note 4: Industrial and Commercial Development and Small Firms. This PPG takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together. This PPG will be replaced by PPS4 (Planning for Sustainable Economic Development) which has been issued in draft form. Paragraphs 24 and 25 are relevant in requiring the efficient and effective use of land, as well as securing a high quality and sustainable environment.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings.

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 Q7 (Layout and Design – Industrial and Business Development) seeks to achieve a high standard of development in terms of building design, siting and layout.

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority raises no objection to the proposals. However, a Travel Plan will be required for approval within 3 months of each building being occupied.

INTERNAL RESPONSES

The City Council's Heritage and Design Manager accepts the design and positioning of the buildings as appropriate to the area in which they will be located, and welcomes the use of large glazed elements which should diminish the impact of what could otherwise be dominant structures. However, further details of the management of existing site boundary trees are required by way of planning condition, together with details of landscaping proposals and hardstanding materials.

PUBLIC RESPONSES

None

PLANNING CONSIDERATIONS

The principle of this type of development has been established at the outline application stage. B1 (office) use is acceptable on a Prestige Industrial Estate such as Belmont, whilst a sequential test demonstrated that a D2 (Assembly and Leisure) use of the scale proposed could not be accommodated in a more central location within the city. Accordingly, the acceptability or otherwise of the current application must be based upon the details.

In terms of siting, scale and design I have been advised by the City Council's Heritage and Design Manager that both the proposed buildings are acceptable, and capable of making a positive contribution to the area in which they will be located. Further details are required in terms of existing tree protection, as there is an important row along the site's eastern boundary adjoining the estate spine road, soft and hard landscaping, but these can be dealt with by planning condition should Members decide to approve this application.

The County Highway Authority is satisfied that access, circulation and parking provision are acceptable.

Accordingly, this proposal has my support.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or

becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.

8. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
9. Prior to any development commencing, full details of the bin stores indicated on drawing A-200:02 Rev 09 (Proposed Site Plan) shall be agreed in writing with the Local Planning Authority. The bin stores shall be completed prior to the occupation of either of the hereby approved buildings.
10. Within three months of the occupation of the buildings hereby approved, a Travel Plan shall be agreed with the Local Planning Authority. Thereafter, the terms of the agreed Travel Plan shall be fully complied with.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

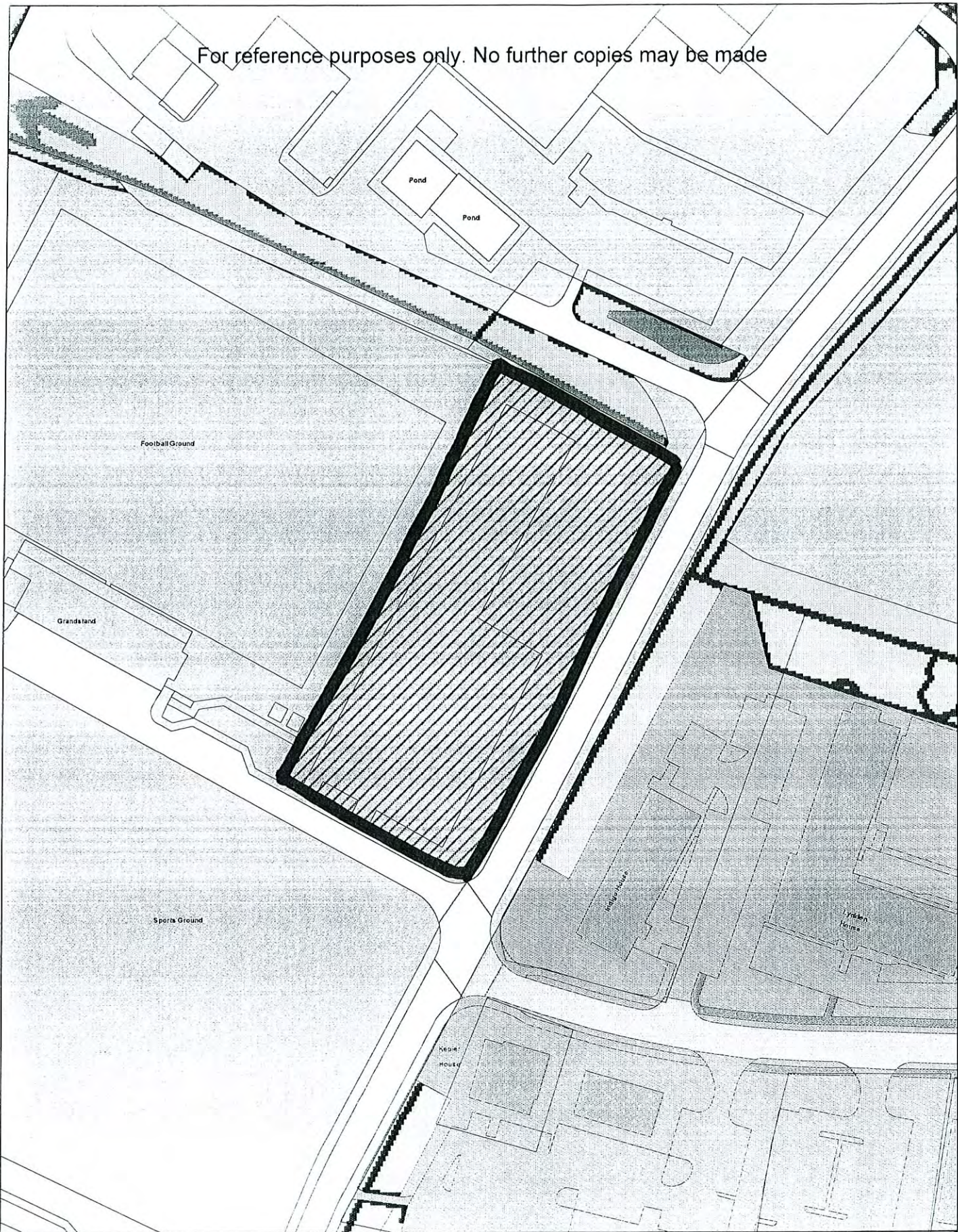
Planning Policy Statement 1: Delivering Sustainable Development

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

City of Durham Local Plan 2004

Responses from County Highway Authority and City Council Heritage and Design Manager

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/07/01243/RM
Land Adjacent To Durham City Football Park,
New Ferens Park

Comments

Date	26 February 2008	Scale	1:1250
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ITEM 6

08/0041/FPA	Nags Fold Farm, Nags Fold Farm Road, Pity Me, Durham
Cllr J H Lodge	Erection of agricultural livestock and general purpose building

SITE AND APPLICATION DESCRIPTION

The application relates to Nags Fold Farm, situated within close proximity to the northern boundary of the Durham City District. The farm is a livestock farm extending to 44 hectares.

The application seeks to erect an agricultural livestock and general purpose building. The proposed building is to be located to the east of the existing agricultural buildings at the farm. Nags Fold Farmhouse itself is located approximately 55m to the south west of the application site. The proposed building is to be 9.144m wide, 18m long and 4.267m high (to eaves). The plans state that all elevations are to be clad with timber spaced boarding and a roof constructed of fibre cement panels.

RELEVANT HISTORY

87/0065 – Removal of Agricultural Workers Occupancy of Dwelling – Approved – 20.03.1987

92/0047/FPA – Change of Use and Alterations to Agricultural Building to form Dwelling – Approved – 14.05.1992

97/0034/PN - Prior notification for installation of telecommunications tower equipment cabin and fenced compound – Prior Approval Not Required - 10.03.1997

97/00222/FPA - Renewal of planning permission 4/92/47 for the change of use and conversion of agricultural buildings to dwelling house – Approved - 04.09.1997

97/00601/FPA - Land adjoining The Cottage Nags Fold Farm Pity Me Durham - Change of use from agricultural land to private garden – Approved - 14.10.1997

98/00168/PN - Prior notification for installation of additional antennae and equipment cabin at existing telecommunications site – Approved - 15.04.1998

00/00797/PN1 - Removal of 3 no. aerials and the installation of 6 no. dual polar aerials, 1 no. 0.6m dish and replacement of the equipment cabin – No objection Raised - 22.12.2000

01/0072/PN - Prior notification for the siting and appearance of 2 No. telecommunications equipment cabins, additional antennae and satellite dishes on existing telecommunications mast and extension to existing compound– No objection Raised - 12.03.2001

02/00162/FPA - Renewal of planning permission 4/92/47 for the change of use and conversion of agricultural buildings to dwellinghouse – Approved - 09.04.2002

03/00199/FPA - Change of use and conversion of existing agricultural buildings to provide 2 No. dwellings and erection of 2 No. double garages – Approved - 16.07.2003

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance 2: Green Belts outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.

LOCAL PLAN POLICIES

Policy E1 (Durham City Green Belt) reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.

Policy E7 (Development Outside Settlement Boundaries) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.

Policy EMP17A (Agriculture and Forestry Department) states that planning permission will be granted for agricultural and forestry development provided that: the proposal is justified in terms of its size and location; and appropriate measures are incorporated to mitigate the effect of the development upon the landscape and local communities.

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

REPRESENTATIONS

STATUTORY RESPONSES

County Highway Authority – Raise no objection

INTERNAL RESPONSES

Environmental Health - No comments

PUBLIC RESPONSES

None

PLANNING CONSIDERATIONS

The erection of agricultural buildings within the Green Belt is considered to be appropriate development in principle as set out in relevant national guidance contained within PPG2 and supported by relevant Local Plan guidance contained within Policy E1. In addition, however, in accordance with Policy EMP17A of the Local Plan all proposed agricultural buildings must be justified in terms of their size and location with acceptable impacts upon the landscape and local communities.

A change in circumstances in the working arrangements of the farm and the transfer of labour and stock from the additional family farm at Lodge Farm, Bearpark has altered the functional requirements of Nags Fold Farm. The applicant requires the new building to house young livestock over the winter months after being weaned. Officers consider that from the information provided the requirement of an additional building is justified in terms of the functional need of the farm. The scale of the building is not considered to be excessive given its proposed purpose.

In addition to its appropriate size and scale the proposed building is adjacent to the existing grouping of farm buildings with mature and semi-mature landscaping located around much of the site and adjacent to the track leading to the site. In the areas to the north of the site where the least coverage from vegetation exists, the land slopes to the north, screening the site somewhat from long distance views. Taking all this into consideration officers are satisfied that the proposed location of the building shall not be unduly intrusive and shall cause no significant harmful impact upon the openness of the Green Belt it is located within.

Residential properties, Croft Lodge and Halcyon Manor are located within relatively close proximity to the south west of the site. These dwellings are the result of previously approved conversion schemes and included the erection of detached garages to the south of the site. Ideally, any agricultural building would be better located further from these properties to reduce potential nuisance and detrimental impacts upon residential amenity. However, officers do not consider the proposed building in this location to pose the potential of significant harm to residential amenity and when balancing this element and other key issues such as the openness of the Green Belt and the functional requirements of a working farm, officers consider that the scheme is one which can gain officer support.

The County Highway Authority has been consulted on the application and no objection has been raised. Officers conclude that no harm to highway safety shall occur through the proposal. Officers therefore support the application which is considered to accord with the requirements of Policies E1, E7, EMP17A and T1 of the City of Durham Local Plan 2004.

RECOMMENDATION

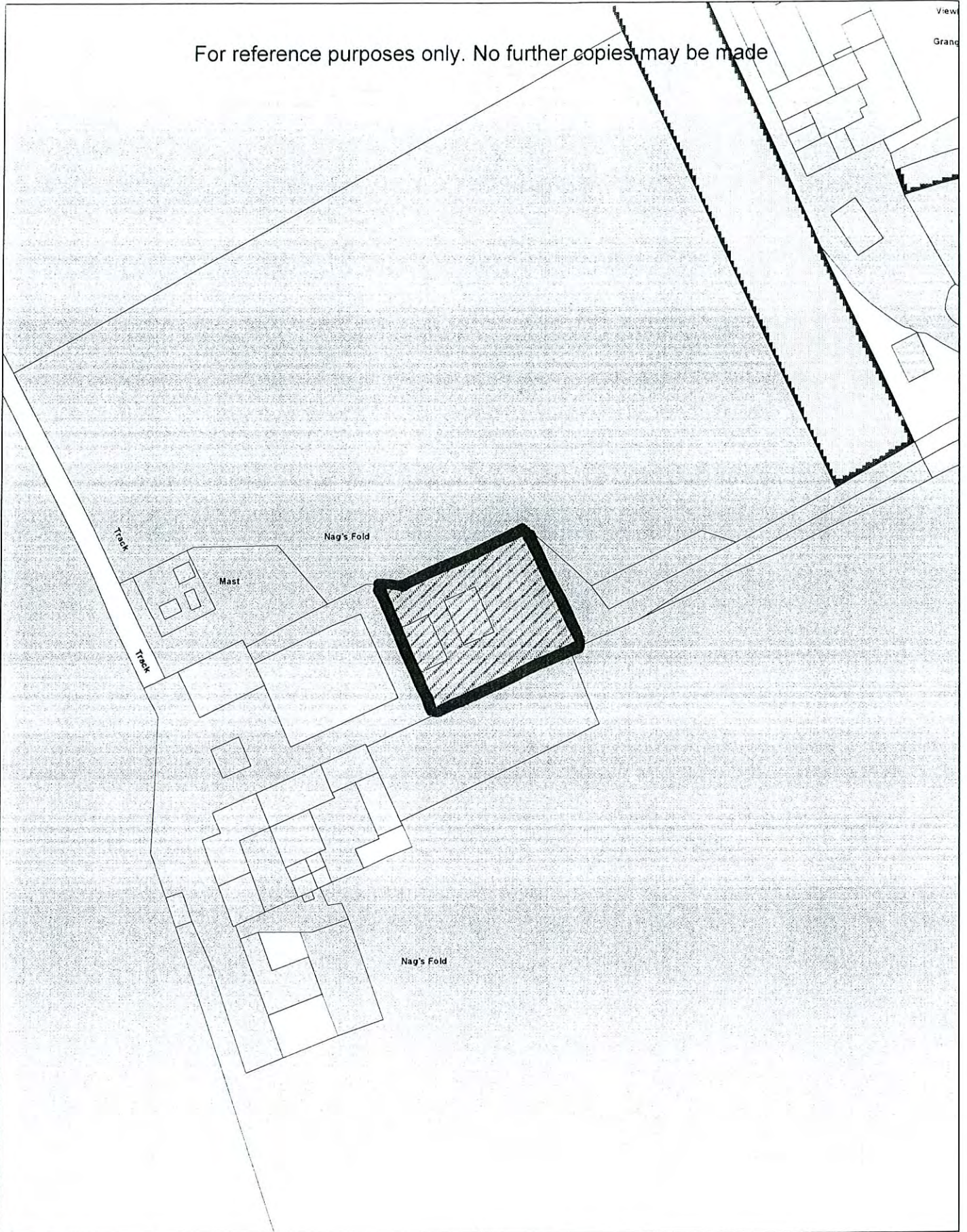
That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. 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.

BACKGROUND PAPERS

Submitted Planning Application Forms, Plans and Design and Access Statement
City of Durham Local Plan 2004
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 2: Green Belts
Planning Policy Statement 7: Sustainable Development in Rural Areas
Statutory Consultation Responses
Government Circular 11/95 (Use of Conditions)
File Notes

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4 08 00041 FPA

Nags Fold Farm, Nags Fold Farm Road, Pity Me

Comments

Date

26 February 2008

Scale

1:1000

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ITEM 7

08/0056/FPA	Land at Prince Charles Avenue and Horton Crescent, Bowburn, Durham
Durham Villages Regeneration	Erection of 73 no. dwellings with associated vehicular and pedestrian access (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

The application site relates an area of vacant land and vehicular/pedestrian accesses located on the eastern edge of Bowburn which extends to some 1.58 hectares, and is bound on all sides by existing residential development comprised of largely of two-storey semi-detached dwellings and a number of bungalows. Around 1.1ha of the site is land that was until recently, occupied by 36 no. dwellings, and is, for planning purposes, defined as previously-developed land. The remaining 0.48ha forms greenfield open space. The site has few existing features, being relatively level and devoid of trees, though there are some limited semi-mature specimens on the eastern edge of the site.

Planning permission is sought in detail to erect 73 no. dwellings on the site. The proposed development is laid out to make use of the existing road network serving Prince Charles Avenue and Horton Crescent with dwellings having a frontage to those roads. The remainder of the development is largely centred around a series of shorter cul-de-sacs. The dwellings would consist of both bungalows (3 no.) and two-storey dwellings, consisting of 22 no. two bedroom dwellings, 49 no. three bedroom dwellings and 2 no. four bedroom dwellings. The proposals do not make on site open space provision.

In accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, the application has been publicised as a departure from the development plan as a result of the extent to which the scheme involves, in part, the development of a greenfield site.

RELEVANT HISTORY

This application, submitted by the Durham Villages Regeneration Company, has emerged from the Bowburn and Parkhill Masterplan (2006) which has sought to guide the regeneration and development of Bowburn and Parkhill, and has formed an evidence base for the emerging Housing Development Plan Document which will form part of the overall emerging City of Durham Local Development Framework. The Masterplan has been the subject of extensive consultation with members of the public. The site at Prince Charles Avenue is a further site in Bowburn to be identified, following earlier schemes such as the sites at Philip Avenue and Tail-upon End Lane. Therefore, while ordinarily schemes are judged on their own merits, it should be recognised that this scheme forms part of a wider vision to regenerate not only Bowburn and Parkhill but also throughout the former coalfield villages in the District.

POLICIES**NATIONAL POLICIES**

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

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

Planning Policy Guidance Note 17: Planning for Open Space, 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 POLICY

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

A revised draft Regional Spatial Strategy for the North East is emerging and has recently been the subject of examination in public and subsequent proposed changes have been published. In accordance with paragraph 4.19 of PPS12: Local Development Frameworks, where an examination in public has taken place and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State. The draft RSS recognises the need for regeneration of former coalfield settlements and the need for development to fully embrace the principles of sustainable development.

LOCAL PLAN POLICIES

Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from the functional, visual and environmental attributes they possess will not be permitted.

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units. The policy exceptionally allows the development of greenfield sites under 0.3ha where there are clear and quantifiable benefits and where these benefits cannot be achieved through the development of previously developed land or conversion of existing buildings. This exception policy includes a number of former coalfield villages including Bowburn.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity.

Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain at an affordable price for future eligible households.

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

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

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

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards.

Policy R3 (Protection of Outdoor Recreation Facilities) seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

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

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

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

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

REPRESENTATIONS

The application has been the subject of extensive consultation with statutory and non-statutory consultees and has been advertised as a departure from the City of Durham Local Plan 2004 both in the local press and by way of 3 no. site notices. An extensive consultation exercise by way of a letters to 100 individual properties in the surrounding area has also been undertaken.

STATUTORY RESPONSES

The County Highway Authority raises no objection to the proposals.

Northumbrian Water Limited, while alluding to the capacity of the sewage treatment works, he raised no objection to the scheme, given the existence of housing at the site previously.

The Environment Agency has raised no objection to the scheme.

INTERNAL RESPONSES

None

PUBLIC RESPONSES

There have been two letters of objection received. The occupiers of 51 Henry Avenue are concerned that their home and garden will be overlooked by the two-storey nature of the development, while the occupiers of 10 Horton Crescent are concerned that the proposal will result in the loss of open recreation space.

PLANNING CONSIDERATIONS

The main issues concern the principle of development and whether there would be harm to visual/residential amenity or highway safety. Additional considerations relate to the provision of affordable housing and energy conservation.

The site consists of, for planning purposes, two distinct areas; one element being greenfield and one being previously-developed land. The development of previously-developed land is entirely consistent with the objectives of national advice in PPS3 and the development plan in its regional and local contexts. In terms of the development of greenfield land, Policy H3 of the Local Plan allows for the exceptional release of Greenfield sites in the coalfield villages (inclusive of Bowburn) under 0.33ha or a maximum of 10 units where there are clear and quantifiable regeneration benefits and where those regeneration benefits could not be achieved through the development of previously developed sites or through conversion. This proposal seeks to develop around 0.48ha of greenfield land which equates to around 30% of the site and some 22 dwellings. The greenspace in this instance has formed an integral element of the estate layout for general amenity purposes. The proposals would therefore exceed the thresholds referred to in Policy H3 above and would represent a departure from it. Consideration must therefore be given to the clear and quantifiable regeneration benefits which would result from the scheme in otherwise demonstrating consistency with the policy. In addition, the proposals must be judged according to the level of private and public amenity open space that will be returned to the estate if the development is approved and implemented.

In terms of the context of the site itself, it forms part of a wider regeneration initiative by Durham Villages Regeneration (DVR), which has since its formation, sought to regenerate the former coalfield villages in the District and the provision of new housing supply including low cost market housing has formed a significant part of this initiative. The main aims of DVR in so far as they relate to housing are to create economic regeneration through the provision of affordable housing for sale and to provide sustainable, safe and well balanced environments where community spirit will raise people's aspirations. This application follows a number of such schemes which have been implemented District-wide and in Bowburn alone this represents a further such scheme which seeks to continue the regeneration of the village since the decline of the coalfields. Taken in this context, the scheme represents part of a wider holistic approach to tackling decline and has been guided by a masterplan for Bowburn and Parkhill specifically. The masterplan has sought to specifically identify ways to bring about an improvement to the quality and mix of housing through the development of vacant or surplus sites and bring about a balancing of house types with targeted provision where certain types are under-represented.

The proposed development, whilst a departure from the development plan, must demonstrate, amongst other things, consistency with the aims of Policy H3 both in terms of those criteria for exceptional Greenfield release and in terms of criteria for new residential development generally. The scheme forms part of a wider exercise in delivering regeneration, and housing itself is considered to bring about regeneration through an

improved housing stock, while quantifiably the financial receipts from the sale of the land together with a percentage of the profit from each property sold will be ring-fenced to assist in the regeneration of Bowburn. Therefore, the applicants have demonstrated that the scheme offers clear regeneration benefits in terms of an improved housing stock while quantifiably, financial receipts will seek to regenerate Bowburn through future housing schemes and through the other aims of DVR in terms of socio-economic initiatives such as employment and training or improvements to recreational amenities.

Policy H3 also requires that there are no other suitable sites. It is considered that there are no available sites which could be readily available for development, other than those with planning permission where the regeneration benefits have been accepted. The site is unallocated in the development plan and would not for example erode the supply of employment land available in Bowburn. The clear and quantifiable regeneration benefits which this holistic approach proposes could not be delivered either through exceptional release within the thresholds in Policy H3 or through alternative previously-developed sites or conversions. In these circumstances, there are clear and quantifiable regeneration benefits which could not be delivered elsewhere within Bowburn and in these circumstances, the proposals are considered to represent a justified departure from Policy H3 of the Local Plan in terms of the principle of the development. The application has been advertised as a departure from the Development Plan as identified above, however, the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 leave it to the discretion of the Local Planning Authority whether to refer such applications to the Secretary of State for their consideration. In this case, it is considered that the limited overall extent to which the scheme is in conflict with the Development Plan and the overall regeneration benefits which the DVRC seeks to achieve, and of which the Government Office for the North East is already familiar, justify the decision not to refer the application as a departure. The principle of developing the overall site is therefore considered to be acceptable in this case.

The development of the site as a whole would lead to the loss of an area of open space. PPG17 seeks to retain open space which has recreational value, while Policy E5a of the Local Plan seeks to protect open spaces which possess important functional, visual or environmental attributes, and in seeking to address this, the application is accompanied by an open space provision assessment. The greenfield element of site, some 0.48ha, is a poor quality open space with little evidence of use by surrounding development and little in terms of amenity. Housing would not be in direct conflict with national advice in PPG17 or Local Plan Policy E5a. The loss of open space has been raised by a single local resident in opposition of the scheme, however, in view of the above assessment, it is considered that such an objection is unsubstantiated and in any event, recreation facilities in Bowburn are highly likely to be improved in the future through the improved open space provision at nearby Tail-upon-End Lane and the proposals for the significant redevelopment of Bowburn Recreation Ground.

In terms of layout the scheme seeks to make use of the existing highway network along Prince Charles Avenue and Horton Crescent, and the frontages to properties have therefore been positioned to address these and create a traditional outward looking streetscene with back to back gardens to the rear. In order to make efficient use of the land the land between Prince Charles Avenue and Horton Crescent will be developed through a series of cul-de-sacs served off Prince Charles Avenue, with dwellings arranged around a central square. This will create an attractive environment and overall streetscene for prospective residents. At a density of some 46 dwellings per hectare (dph), the scheme accords with the national minimum density of 30dph set out in PPS3. The dwellings themselves would be appropriate to the surrounding built form in terms of scale, being largely two-storey with a number of bungalows, while the use of brickwork to elevations would be entirely reflective of the existing housing stock in the area. Landscaping to the site would be provided in the form block paving to private driveways and parts of the cul-de-sacs which characterise the site in between the two roads through the site, while street trees would be provided along both Prince Charles Avenue and Horton Crescent. Therefore in terms of layout, scale, appearance and

landscaping the scheme is considered entirely appropriate to the character of the area, in accordance with Policies H3, H3, Q3, Q5 and Q8.

Given the largely previously-developed nature of the site, it is already served in the main by an existing highway network. The continued use of this network for the proposed scheme is considered acceptable by the County Highway Authority. Similarly, the overall layout of the individual cul-de-sacs and the overall level of parking provision within the site is at an acceptable standard. The proposals will not therefore be to the detriment of highway safety and accord fully with Policy T1 of the Local Plan.

Turning to issues of residential amenity, the scheme provides adequate levels of separation within the site itself and to frontages along Prince Charles Avenue. Where relationships are slightly below standard this is largely mitigated by the oblique angles between respective elevations. As submitted, the relationship between plots 58 to 61 and the rear elevations of No.s 51 to 54 Henry Avenue fell below the 21m required at Policy Q8, and the occupiers of No. 51 were rightly concerned that potential overlooking would result. The layout of the site has been revised slightly to ensure that the required 21m is provided between the existing and proposed dwellings. The amenity therefore of both existing and prospective occupiers is safeguarded in accordance with Policies H13 and Q8.

In terms of affordable housing, the Council's Supplementary Planning Document to Policy H12, sets out that on sites where 25 or more units are to be provided, 30% of all units should be affordable. Of the 73 units proposed, 23 would be affordable in the control of a Registered Social Landlord. This represents an affordable provision of 32%, which accords with Policy H12 and its associated SPD. In order to ensure that the units remain affordable in perpetuity, a section 106 agreement would be appropriate where the developer would agree to transfer ownership to a Registered Social Landlord. A condition to that effect would be appropriate in the event that the proposals are approved.

Policy 39(e) of the emerging Regional Spatial Strategy seeks to achieve 10% embedded renewable energy from schemes of this scale. 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. To this end, the applicants have submitted a supporting statement to outline their approach to energy conservation on the site, and address the requirements of the policy. Achieving a figure of 10% embedded renewable energy is very difficult and in Officers' experience this has yet to be embedded within any scheme considered in the District. The financial implications of such a requirement would undoubtedly be passed onto the purchasers, ultimately undermining the very ethos of the DVRC and its aim of regenerating former coalfield communities through new low-cost housing. The scheme does however incorporate a number of energy conservation measures incorporating the energy efficient elements of Eco Homes "very good" standards. This includes low emission ratings for the dwellings and their heating equipment, energy efficient lighting internally and externally and home office spaces to encourage people to work from home and reduce the need to travel. Such measures are considered appropriate in the circumstances and will assist in meeting regional planning policy requirements.

In summary, the proposed development is a departure from Policy H3 of the Local Plan in so far as it would involve the partial development of a greenfield site in excess of the appropriate exceptional thresholds. However, the application forms part of a wider holistic approach to bring about the continued regeneration of Bowburn, and where the proposed housing and resultant financial receipts from land sales and individual property sales will be ring-fenced towards the continued regeneration of Bowburn. In these circumstances, it is considered that the application demonstrates special circumstances to justify a departure from the development plan. The departure is not considered to be so significant that it requires referral to the Government Office for the North East. In other land use planning

respects the layout, scale, appearance and landscaping are appropriate, together with requirements for energy conservation and affordable housing provision, whilst causing no significant adverse affects upon residential amenity or highway safety. Officers therefore support the scheme fully.

RECOMMENDATION

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

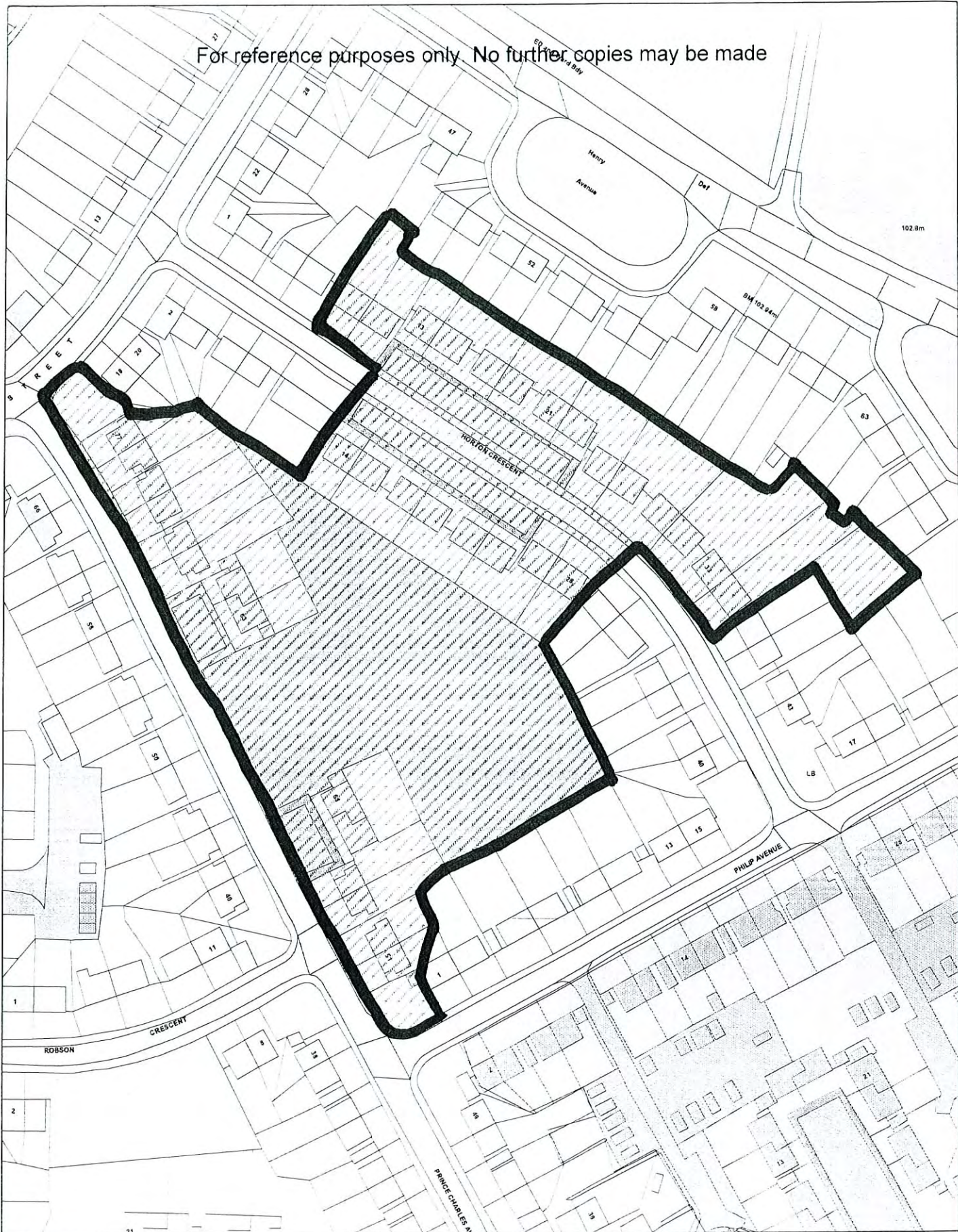
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
3. No development shall commence until a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will secure the transfer of 23 of the 73 dwellings hereby approved to the ownership of a Registered Social Landlord.
4. 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.
5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
6. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.
9. Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority.
10. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Supporting Planning Statement
Environmental and Energy Statement
Affordable Housing Statement
Open Space Assessment
Design and Access Statement
Planning Policy Statements 1 and 3
Planning Policy Guidance Note 17
Regional Planning Guidance for the North East (RPG1)
Draft Regional Spatial Strategy for the North East (RSS)
City of Durham Local Plan 2004
Responses from County Highway Authority, Northumbrian Water Limited and Environment Agency
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



Planning Services

Application No. 4.08.00056 FPA

Land At Prince Charles Avenue And Horton Crescent, Bowburn

Comments

Date

26 February 2008

Scale

1:1250

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ITEM 8

08/0069/FPA	Former Stonebridge Dairy, Durham
Heliocity Ltd	Construction of business park (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

The former Express Dairies Stonebridge Dairy site consists of a group of disused commercial buildings, varying between two and four storeys in height, lying on land to the south-west of Durham City Centre, between Nevilles Cross and Langley Moor.

The land is bounded to the north by the northeast–southwest running A690 Durham–Crook road, with a petrol filling station and open countryside beyond. To the south runs a loop road, Dairy Lane, joining the A690 beyond the northeast and south-western extremities of the site. Two private houses, Garden Cottage and Chestnut Villa stand on the southern edge of this road, surrounded by open land.

To the north-east a pair of dwellings, Creamery Cottages, adjoin the site; while to the southwest stand offices occupied by an adoption agency.

The applicants wish to demolish the dairy buildings and replace them with 6200 sq m of B1 use class office space. This would take the form of six two-storey buildings arranged across the site to form a series of landscaped courtyards with parking provision. Screened bin storage will be integrated into these areas.

Existing boundary trees, particularly along the site’s northern A690 boundary, would be retained wherever possible, and protected during the proposed development’s construction, and reinforced where necessary.

Vehicular access would be taken from Dairy Lane at the site’s southeast and southwest ends, with the possibility of a third access being added later between the two. Pedestrian access will be possible from both the A690 from Dairy Lane.

The building design is contemporary, with shallow sloping rooflines and an extensive use of glazing aimed to reduce the impact of the mass of development, and to introduce a degree of transparency that will blur the physical boundary between built form and the environment. Facing materials will be a combination of brick panels, render panels, and framed glazing. Grey standing seam mono pitched roofing will be employed.

The application is supported by a Design and Access Statement, Sequential Test, Transport Assessment, Travel Plan Framework, Flood Risk Assessment, Habitat Survey, Bat Survey, Archaeological Assessment, Landscaping Proposals, Tree Survey, and a Geophysical Survey.

RELEVANT HISTORY

The site was well established as a commercial dairy, but has fallen into disrepair in recent years following closure.

A previous planning application similar to that now under consideration was withdrawn last year following concerns expressed by statutory consultees in respect of traffic impact upon the local road network, impact upon flood risk, archaeology and ecology.

POLICIES

NATIONAL POLICIES

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development: sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Guidance 2 (PPG2) Green Belts outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Planning Policy Guidance 4 (PPG4): Industrial, Commercial Development and Small Firms: states that one of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. Economic growth and a high quality environment have to be pursued together. PPS4 (Planning for Sustainable Economic Development) has been issued in draft form. This states that preference should be given to development of sites for larger office development in or on the edge of town centres. Paragraphs 24 and 25 are also relevant in requiring the efficient and effective use of land, as well as securing a high quality and sustainable environment.

Planning Policy Guidance 13 (PPG13) objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Guidance 16 (PPG16) sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

REGIONAL POLICY

Regional Planning Guidance for the North East (Regional Planning Guidance Note 1) reinforces national guidance in respect of the re-use of previously developed land and buildings. RPG 1 is to be replaced by The Regional Spatial Strategy (RSS) for the North East, which has reached an advanced stage. Policy 3 requires a sequential approach to development. Policies 5, 6 and 12 underpin this principle whilst acknowledging the need to balance economic development with sensitivity to environmental capacity and constraints. These policies acknowledge the role of brownfield development in addressing these policies.

Policy 39 (RSS) requires new development layout and design to minimise energy consumption and secure ambitious but viable levels of embedded energy consumption from renewable sources.

LOCAL PLAN POLICIES

Policy E1 seeks to protect the essential quality of openness within the Durham City Greenbelt.

Policy E2A allows for redevelopment within Major Developed Sites in the Green Belt provided no greater impact on that Green Belt results, the land use contributes towards the objectives for the use of Green Belt land, the height of existing building is not exceeded, and a larger area of the site than existing buildings is not occupied.

Policy EMP16 defines employment generating uses in the countryside that are deemed acceptable. Should such a proposed be acceptable, it must have no adverse impact on the character and appearance of the countryside, no adverse impact on nearby residents or other land uses, or be prejudicial to road safety, nature conservation interests or the water environment.

Policy E14 seeks to protect existing trees and hedgerows.

Policy E16 seeks to protect and promote nature conservation.

Policy E24 requires full account to be taken of archaeological remains.

Policy T1 requires full account to be taken of the impact new development in terms of traffic generation.

Policy Q1 requires full account to be taken of the impact of the layout and design of new development on personal safety and crime prevention, the access needs of everyone including the elderly and disabled, and the provision of seating, toilet facilities and signing where appropriate.

Policy Q7 requires a high standard of layout and design in respect of industrial and business development.

Policy Q15 requires a percentage of the development build cost to be spent on artistic elements within its layout and design, or a contribution made towards artistic endeavour within the city.

Policy U10 does not allow new development in flood risk areas unless a flood risk assessment clearly demonstrates that an alternative development proposal is unavailable, no unacceptable risk of flooding will result, no risk of flooding elsewhere will increase as a result of the development, and appropriate mitigation measures are in place.

Policy U11 requires contaminated land to be fully assessed and remediation carried out prior to occupation

REPRESENTATIONS

STATUTORY RESPONSES

The County Highway Authority has taken the view that while some account can be taken of the level of traffic that would be generated by the former dairy were it to reopen, something that in theory could happen without the need for any further planning consents, a significant amount of additional traffic will result from this office proposal.

While there are some minor carriageway improvements that can be undertaken in the immediate vicinity of the site, including the prohibition of right turns onto the A690 out of Dairy lane, there are no feasible mitigation measures available to increase junction capacities in the area.

Surveys indicate that trips to and from the proposed development which could use the B6300 Browney Lane to Croxdale road, and the A167 Sunderland Bridge-Honest Lawyer junction to the north of Croxdale, are presently diverting north to travel via Stonebridge and Lowes Barn Bank due to the hazardous nature of a right turn onto the A167 near Croxdale.

A scheme to improve this junction, either by means of traffic lights or a roundabout, is being investigated. However, it will be expensive due to the speed of traffic on this busy road and topographical constraints, and no funds are currently available. Therefore it is proposed that a fund be created, to which developments within the Langley Moor, Brandon and Meadowfield area that create additional traffic on the A690 at Stonebridge will be required to contribute proportionately. This is to be achieved through Section 106 agreements.

Helioscity Ltd has agreed to the principle of such an arrangement, therefore provided an appropriate Section 106 Agreement is signed, and other minor off-site works carried out, no objection is raised to this proposal.

The Environment Agency accepts the findings of the Flood Risk Assessment and decontamination proposals, and is satisfied that no increase in flooding will result from the scheme, and that controlled waters will not be threatened.

Northumbria Water has no objections.

The North East Assembly (NEA) considers this proposal to be in general compliance with the objectives of the Regional Spatial Strategy provide that the City Council is satisfied that a robust sequential analysis of other suitable sites has been carried out, and that a sustainable approach to the use of renewable energy sources has been taken.

One North East takes a similar view to the NEA.

Natural England has accepted the findings of the submitted Habitat and Bat Surveys and does not consider it likely that any species, particularly those protected by law, will be placed at risk by this proposal.

The County Archaeologist accepts the findings of the submitted Archaeological Assessment. However, there is the possibility of Medieval or Post Medieval remains being present on the site, therefore a planning condition is requested, should consent be granted, requiring an agreed scheme of investigation to be carried out prior to any development commencing.

INTERNAL RESPONSES

The City Council's Heritage and Design Manager finds these proposals broadly acceptable, subject to appropriate planning conditions safeguarding trees and landscaping, requiring details of fenestration and materials, and ensuring the delivery of a "percentage for art".

PUBLIC RESPONSES

One letter of objection has been received the occupants of Garden Cottage that lies in Dairy lane immediately to the south of the application site. Their main concerns are inconsiderate parking in the lane restricting visibility; the current conduct of traffic using the lane, often at an inappropriately high speed, and the impact this development could have on that situation; the construction of a vehicular access directly opposite their home, and the disturbance this could cause; and the impact upon their privacy of first floor office windows.

The City of Durham Trust has objected to what it considers to be a breach of Green Belt policy, arguing that greater impact on the Green Belt than is currently the case will result due to the amount of hardstanding proposed. The location of offices in an out of centre location is also objected to.

PLANNING CONSIDERATIONS

The application site is identified as a Major Developed Site within the Durham City Green Belt, so the acceptability of this proposal rests primarily upon its likely physical impact on the openness of its surroundings.

I have carefully considered this issue, with due regard to advice received from the City Council's Heritage and Design Manager, and it is my conclusion that, by virtue of the scheme's limited height, sympathetic design, open layout, and maintenance of boundary tree cover, the objectives of Local Plan Policies E1, E2A, EMP16 and E14 will be met.

Furthermore, I am satisfied that the layout and building design are capable of achieving the objectives of Policies Q1 and Q7.

I give due weight to the consultation responses received from Natural England and the County Archaeologist, and therefore, subject to the imposition of appropriate planning conditions, consider the objectives of Policies E16 and E24 to be met.

A small part of the site lies within Flood Zone 3, as identified by Environment Agency maps. Accordingly, as required by PPS 25, a sequential test has been carried out on behalf of the applicants demonstrating that other sites unaffected by flooding are not available for the proposed development. The sites chosen, and the methodology, have both been accepted by my office and the Environment Agency, while the Agency has agreed the submitted flood attenuation measures that include: the control of rainwater run-off through recycling and storage, a restriction of flow to the River Browney, the provision of compensatory flood plain where the current regime is altered as a result of the development, and the raising of floor levels.

Decontamination measures for the site that will ensure controlled water in the vicinity of the site is unpolluted have also been accepted by the Environment Agency, so subject to appropriate planning conditions I am satisfied that there is compliance with tests set by Policies U10 and U11.

Traffic generation is a major component of this proposal. Consultants acting for the applicants have worked closely with the County Highway Authority to reach an agreement whereby any traffic resulting from this development will be "trip banked" as a consequence of a financial contribution being made towards the improvement of the B6300-A167 junction to the north of Croxdale. This means that, on completion of these works, a significant proportion of traffic travelling north along the A690 at Stonebridge is likely to use the B6300 as a route north instead, resulting in the negation of the impact of the proposed development on A690 traffic flows.

This being the case, combined with a number of minor local road improvement measures, the County Highway Authority does not object to this application, subject to appropriate planning conditions and the signing of a Section 106 Agreement in respect of the B6300-A167 junction funding. I therefore consider the objectives of Policy T1 to have been taken fully into account.

In regard to the concerns expressed by those living in Garden Cottage, the originally submitted drawings have been amended. A vehicular access originally proposed directly opposite this property has been sealed and landscaped, while those first floor office windows adjacent to Garden Cottage will be obscure glazed. The County Highway Authority has been

made aware of the residents' concerns regarding speeding motorists along Dairy Lane, but this is out of the control of both the Local Planning Authority and the applicants. However, it is my understanding that the Highway Authority is considering measures that include parking restrictions close to junctions.

I am unable to accept that this proposal physically impacts on the Green Belt in a greater way than existing buildings on the site, as the City of Durham Trust suggests. The proposals are significantly lower, and in my view represent a significant enhancement. In regard to the land use, a sequential test has been carried out that demonstrates this amount of office space cannot be accommodated within the city centre.

In conclusion, I feel able to fully support this scheme, which in my view accords with national and local Green Belt policy by having less of an impact than that of the existing dairy. I am also of the opinion that the regeneration benefits of this proposal, together with the jobs it can potentially bring that cannot be accommodated within the City Centre, add further merit to the case for its approval.

A small part of the proposal lies outside the Major Developed Site boundary, but such a minor departure from the Local Plan would be, in my judgement, not of significance in itself to require referral. However, as the proposed office floor area of 6200 sq m exceeds the 5000sq m threshold, the application will have to be referred to the Government Office for the North East for ratification, should Members be minded to approve these proposals.

RECOMMENDATION

That Members be **MINDED TO APPROVE** upon the completion of a Section 106 Agreement to pay an agreed sum into a fund for the improvement of the B6300-A167 road junction to the north of Croxdale, and that the application be referred to the Secretary of State as a Departure under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

Subject to the following conditions:

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

commencing and thereafter implemented in accordance with the approved scheme.

6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
7. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
8. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.
9. No development shall take place within the full area of the application site until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
11. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
12. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.
13. The terms of the submitted Draft Travel Plan shall be fully complied with, and within three months of the occupation of any building a Final Travel Plan shall be

approved in writing with the Local Planning Authority. Thereafter, the terms of the Final Travel Plan shall be fully complied with.

14. No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed. These measures shall be fully implemented and validated in writing prior to built development commencing.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement & other supporting documents

City of Durham Local Plan 2004

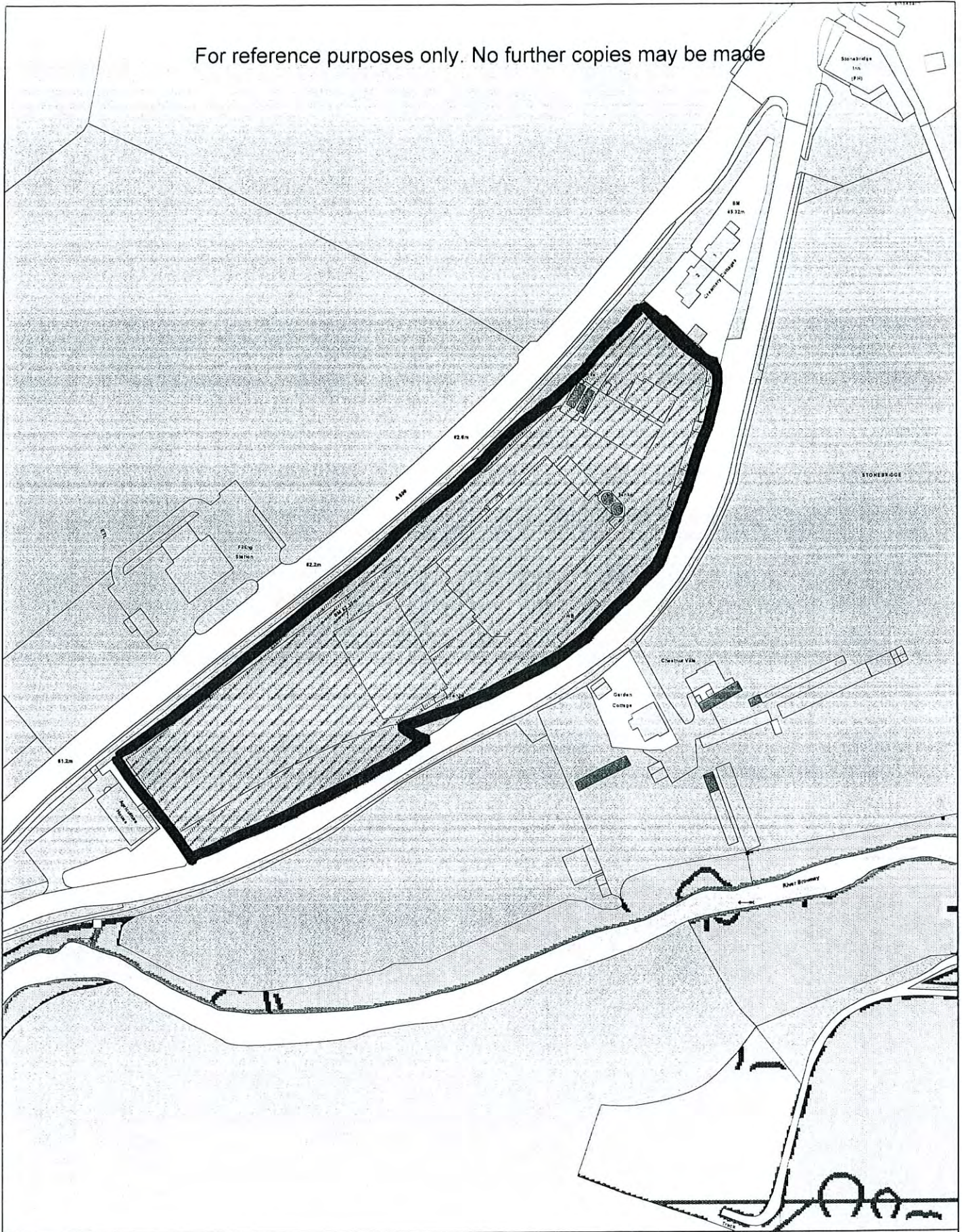
Government Planning Policy Guidance and Statements (PPS1) (PPG2) (PPS4/PPG4) (PPG13) (PPG16) (PPS25)

Regional Planning Guidance for the NE /Regional Spatial Strategy

Responses from consultees and the public

Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08.00069 FPA
Former Stonebridge Dairy, Durham

Comments

Date

26 February 2008

Scale

1:1667

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