

**CITY OF DURHAM**

**DEVELOPMENT CONTROL COMMITTEE**

**10 April 2008**

**REPORT OF STRATEGIC SERVICES**

**PROPOSED STOPPING UP OF FOOTPATH AT FINCHALE VIEW, WEST RANTON**

At the Development Control Committee held on 11 December 2007 it was resolved that Durham City Council make an Order under Section 257 of the Town & Country Planning Act 1990 to give effect to the stopping up of part of footpath no. 18 at Finchale View, West Rainton to enable development to be carried out in accordance with planning permission granted by this Authority in respect of the Durham Villages Regeneration disposal site.

The Order was made on 21 February 2008 and in accordance with standard procedure, the making thereof was advertised in the Local Press and correspondence despatched to the relevant Statutory Consultees. There are no outstanding objections and the Council is now able to confirm the Order of its own volition as an unopposed Order

**Recommendation**

That the Committee now confirms the City of Durham (Footpath No. 18, West Rainton Parish, West Rainton, Durham) Stopping Up and Diversion Order 2008.



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

**10 April 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 Mr D Pepper  
Site at 113 Musgrave Gardens, Gilesgate Moor, Durham, DH1 1PJ
  - b) Appeal by Mr S Williams  
Site at Land Adjacent 5 Mayorswell Field, Durham
  - c) Appeal by Mr F Parker  
Site at 15 St Oswalds Drive, Durham, DH1 3TE
  - d) Appeal by Mr And Mrs Allen  
Site at 41 The Avenue, Coxhoe, Durham, DH6 4AG
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
  - a) Appeal by Mr And Mrs Turnbull  
Site at land to the rear of The Gardens, Sunderland Bridge, Durham, DH6 5HD
  - b) Appeal by S G Petch  
Site at vacant land at New Ferens Park, Broomside Park Belmont, Durham
  - c) Appeal by Mr And Mrs Hansen  
Site at West View, The Bungalows, Pity Me, Durham, DH1 5EB
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

#### 4. Decisions made by the County Council

<b>Application No:</b>	CM4/07/1194
<b>Applicant:</b>	Durham County Council
<b>Location:</b>	Nevilles Cross Primary School, Relly Garth, Nevilles Cross, Durham, DH1 4JF
<b>Proposal:</b>	Erection of ventilation/extraction equipment to roof of existing kitchen building

The above application was considered by the City Council under delegated powers on 30 January 2008 when it was resolved to raise objection as follows:

It is the opinion of the City of Durham Council, that in the absence of appropriate emissions mitigation guidance, and in view of the visual prominence of the proposed plant, the proposals are contrary to Policy H13 of the City of Durham Local Plan 2004, and should be refused.

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

**Recommendation:**

That the report be noted.

<b>Application No:</b>	CM4/07/1230
<b>Applicant:</b>	Durham County Council
<b>Location:</b>	Bowburn County Infant School, Wylam Street, Bowburn, Durham, DH6 5BE
<b>Proposal:</b>	Erection of access ramp to entrance

The above application was considered by the City Council under delegated powers on 17 January 2008 when it was resolved to offer no objection to the application.

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

**Recommendation:**

That the report be noted.

<b>Application No:</b>	CM4/08/87
<b>Applicant:</b>	Durham County Council
<b>Location:</b>	Durham Clayport Library, Gala Square, Durham, DH1 1HW
<b>Proposal:</b>	Erection and display of 2 no. vinyl window graphics to advertise Library

The above application was considered by the City Council under delegated powers on 14 February 2008 when it was resolved to raise an objection as follows:

In the opinion of the City Council the proposed vinyl stickers detract from the host building and square in which they are viewed in Durham (City Centre) Conservation Area. The style, size and colours of the vinyl transfers are considered to be intrusive and detrimental to the street scene.

Durham County Council have now written to the City Council informing that the application has been formally withdrawn. The applicant is reconsidering the scheme in the light of comments received and may re-submit an amended design at a later date.

**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
<b>ITEM 1</b>			
4/08/014/FPA Apex Cables	Apex Cables St Johns Road Meadowfield Industrial Estate Durham DH7 8RJ	Erection of extension to rear of existing industrial building	<b>APPROVE</b>
<b>ITEM 2</b>			
4/08/017/FPA City of Durham Council	Bowburn Recreation Ground Bowburn Durham DH6 5BW	Redevelopment of existing park including new pedestrian/cycle paths, games and play areas, tennis/basketball court, all weather pitch with floodlighting, pavillion building for existing bowling green, extension to existing changing room/pavillion building and provision of 62 no. new parking spaces (revised and resubmitted)	<b>MINDED TO APPROVE</b>
<b>ITEM 3</b>			
4/08/080/FPA Mr A Davidson	Red Oak Lowland Road Brandon Durham DH7 8NN	Proposed demolition of existing public house and erection of 16 no. dwellings (6 apartments, 10 houses) with associated access roads, footways and parking provision (revised and resubmitted)	<b>APPROVE</b>
<b>ITEM 4</b>			
4/08/138/OUT Ogden Group Of Companies	Land Adjacent To Entrance Of South Bowburn Industrial Estate Durham Road Bowburn Durham	Outline application for retail development including details of means of access and 2450 sqm retail floorspace (all other matters reserved)	<b>APPROVE</b>

**ITEM 1**

<b>4/08/014/FPA</b>	<b>Apex Cables, St Johns Road, Meadowfield Industrial Estate, Durham, DH1 8RJ</b>
<b>Apex Cables</b>	<b>Erection of extension to rear of existing industrial building</b>

**SITE AND APPLICATION DESCRIPTION**

The application relates to the existing Apex Cables site situated off St Johns Road on Meadowfield Industrial Estate.

The application seeks to erect an extension to the rear of an existing steel profile sheeted building. The extension itself is to provide additional production space and includes toilet accommodation. The extension is to be 50.3m wide, 27m long and has a height of 6m. A glazed curtain wall will be provided to the end elevation for visual appearance purposes and to allow natural light to enter the production area.

**RELEVANT HISTORY**

02/00180/FPA - Erection of extension to existing warehouse. – Approved – 19 April 2002

03/00258/FPA - Erection of two storey pitched roof extension to front of existing building to provide additional offices and reception – Approved – 06 May 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 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.

The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality.

The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters.

Planning Policy Guidance 13: Transport: The objectives of this PPG 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 POLICIES***

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

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

Policy EMP8 (General Industrial Sites) identifies Meadowfield Industrial Estate as a General Industrial Estate where development within use classes B1 (Business), B2 (General Industrial) and B8 (Storage & Distribution) will be allowed.

Policy Q7 (Layout and Design - Industrial and Business Development) seeks to secure high quality in respect of the layout and design of industrial and business development.

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.

### **REPRESENTATIONS**

#### ***STATUTORY RESPONSES***

County Highway Authority - No objection

Northumbrian Water – No objection

#### ***INTERNAL RESPONSES***

None

#### ***PUBLIC RESPONSES***

None

### **PLANNING CONSIDERATIONS**

The proposal seeks to extend an existing industrial building. As the site is located within a designated industrial estate the proposed use is considered to be wholly appropriate in principle.

The extension itself is a relatively large structure in its own right with a floor area of 1,358m<sup>2</sup>. However, given the scale of the buildings in existence and the size of the site no objection is raised. At present office development is occurring within the plot to the south. The proposed building should not have any detrimental impacts upon the future occupiers of the new office development. The extension is to be located to the rear of the Apex Cables buildings in a large



rear yard which is currently used for storage. No objection is raised to the extension being located on this land.

With regards to the final appearance, the glazed end elevation is considered wholly appropriate in an industrial estate of many and varied modern buildings. In addition external materials are conditioned to ensure a suitable final appearance.

A large car park is located to the front of the site off St Johns Road. The County Highway Authority has been consulted on the application and no objection has been raised. In addition the applicant has stated that a proposal may come forward in the near future to provide further parking to the rear of the site. Officers conclude that no harm to highway safety would be likely to occur through the proposal.

Officers therefore support the application which is considered to accord with the requirements of Policies EMP8, Q7 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. 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. 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  
Regional Planning Guidance for the North East (RPG1)  
Regional Spatial Strategy for the North East (RSS)  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms/PPS4  
(Planning for Sustainable Economic Development)  
Planning Policy Guidance 13: Transport  
Statutory Consultation Responses  
Government Circular 11/95 (Use of Conditions)  
File Notes



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City of  
Durham

Planning Services

Application No. 4/08/0014/FPA

Apex Cables St Johns Road Meadowfield Ind  
Estate

Comments

Date

31 March 2008

Scale

1:2500

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**ITEM 2**

<b>4/08/017/FPA</b>	<b>Bowburn Recreation Ground, Bowburn, Durham, DH6 5BW</b>
<b>City of Durham Council</b>	<b>Redevelopment of existing park including new pedestrian/cycle paths, games and play areas, tennis/basketball court, all weather pitch with floodlighting, pavillion building for existing bowling green, extension to existing changing room/pavillion building and provision of 62 no. new parking spaces (revised and resubmitted)</b>

**SITE AND APPLICATION DESCRIPTION**

The application site comprises the whole of Bowburn Recreation Ground which extends to some 5.96 hectares and which is divided into two individual and distinct areas. The northern or upper park is approximately 3.71ha and consists of the main vehicular access into the park, a full size football pitch, a bowling green, changing facilities and a disused tennis/basketball court. This area of the park is relatively level and contains a number of mature trees both within and around it. Residential properties bound the upper park on its southern and western boundaries. The southern or lower park is around 2.25ha and currently includes a number of pedestrian site accesses; limited children’s play facilities, a bungalow and a disused BMX track, with the remainder forming grassed open space which slopes steeply down to Bowburn Beck.

The application seeks planning permission for the wholesale redevelopment of the park. The upper park would be redeveloped to include 62 no. additional parking spaces, significant areas of landscaping, a new bowling green pavilion, a resurfaced tennis and new all-weather floodlit pitch. Changing facilities are proposed to be expanded as a result. The lower park will see the removal of the existing play facilities and their replacement with a wide range of play facilities suitable for all ages, together with new footpaths, cycle tracks and a ‘trim-rail’ exercise facility around the perimeter of the lower park.

**RELEVANT HISTORY**

This application is a resubmission of a previously withdrawn scheme (07/00592/FPA). The applicants were encouraged to resolve landscaping issues and concerns expressed by the Environment Agency.

In 2006 Halsall Lloyd Partnership consultants were appointed by the City of Durham Council in partnership with Durham Village Regeneration Company to carry out a masterplan for the village. This masterplan identified a number of priorities for improvements to the village. One of the highest priorities identified by the community was the need for play and recreation provision for children and young people, and through community involvement, the proposals which are the subject of this application have been developed.

**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 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.

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

Policy 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 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 R9 (Public Parks and Recreation Grounds) seeks to encourage the provision of additional play equipment at public parks within the District.

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) 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 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 raises no objection to the proposals.

Northumbrian Water Limited has advised that Bowburn sewage treatment works are at capacity and that no significant development can be catered for in terms of foul sewage flows. No objection is raised subject to a condition requiring the expansion of the capacity of the Bowburn sewage treatment works.

The Environment Agency had initially objected to the scheme on the basis of there being no flood risk assessment, however, having received additional information from the applicants they have withdrawn their objection but require the imposition of conditions in relation to the attenuation of surface water discharge and that surface water or soakaway flows pass through an oil interceptor.

Sport England initially raised an objection to the scheme two main grounds. Firstly, they are concerned that a previously identified need for synthetic turf pitches (STP) in the District has been met, and as such there is no strategic justification for the proposal. Furthermore, it would not meet Sport England's or the Football Association's technical design guidance for such facilities. They therefore objected on the grounds of the permanent loss of part of an existing playing field. Ongoing discussions with Sport England have resulted in the withdrawal of the objection in relation to the size of the pitch but outstanding concerns remain.

### ***INTERNAL RESPONSES***

None

### ***PUBLIC RESPONSES***

Whilst local residents have been fully involved in the development of the proposals which form this application, a detailed consultation exercise has nevertheless been undertaken in the press, on site and by way of individual letter to some 66 addresses. In response to this consultation exercise there have been three individual representations made.

The occupiers of 24 Beaumont Close are concerned that the proposals will lead to increased noise and disturbance from anti-social behaviour, that trees will be removed, and that there will be increased traffic in Beaumont Close as a result.

The occupiers of 27 Broadmeadows are concerned that the enclosure of the football pitch will remove an area for dogs to be exercised.

The occupiers of The Grange, Old Quarrington are pleased to see that Bowburn is finally getting the park it needs it deserves, however, they go on to raise a number of concerns, including the accessibility of the park for cyclists and the lack of an Environmental Impact Assessment for the site in relation to protected species.

## **PLANNING CONSIDERATIONS**

The main issues concern the impact of the proposals upon the character of the area, the amenities of surrounding residents, highway safety and the need for such facilities.

Bowburn Recreation Ground is large park located in close proximity to and largely surrounded by residential areas, being easily accessible to the expanding population of Bowburn. The existing facilities within the park have deteriorated and the community have identified improved facilities within the park as being a priority for the area. Local Plan Policies R3 and R9 seek to protect existing recreation facilities and encourage the provision of new equipment in such areas. The proposals themselves involve the provision of a number of play facilities together with those for sport and recreation, catering for a wide range of age groups and abilities. The lower park area would be oriented towards play facilities while the upper park is more oriented towards sporting activities. Given the existing use of the site is primarily for sport and recreation and in view of the limited range of and deteriorated nature of the existing facilities, it is considered that the character of the area will not be harmed, and while a number of trees will be removed to accommodate the all-weather floodlit pitch and the proposed car park in the upper park, additional tree planting and landscaping is considered sufficient to mitigate their loss. The proposals, in terms of their visual impact on the character of the area, are considered acceptable and in accordance with Policies E5a, E14, H13 and Q5.

At the time of preparing this report, there is an outstanding objection from Sport England, and should Members be minded to approve the application it would require referral to the Government Office for the North East. Discussions with Sport England have been ongoing during the course of the application, and principally they now have only one outstanding concern in relation to the Synthetic Turf Pitch (STP). The Durham City Playing Pitch Strategy identified a need for such facilities in the District; however, this has been met through subsequent developments at Deerness Valley and Meadowfield Sports Centres. In addition, an STP will be provided at the redeveloped Durham Johnson School. Therefore, Sport England objects on the basis that the proposed STP would lead to the permanent loss of part of the existing playing field. The site of the proposed STP is on an area of existing hardstanding which has deteriorated and is now no longer in use. The proposed STP by way of an improved facility designed specifically for junior level in relation to Football Association (FA) standards would, by way of its existence, encourage young people in the area to participate in physical activities, and moreover, Bowburn Youth Football Club, an FA chartered club would make use of the facility together with the adjacent Bowburn Junior School. Bowburn is identified as having low levels of participation in such activities. In addition to the increased levels of participation and improved facilities, there clearly exists an issue of sustainability in so far as residents of Bowburn and other areas to the south of city would be required to travel to Meadowfield or Ushaw Moor to make use of such a facility. Clearly, this is not sustainable. While a synthetic pitch exists in Coxhoe, it is much smaller and does not meet FA standards unlike the proposed development.



PPG17 strongly encourages the provision of new and improved facilities for outdoor sport and recreation in highly accessible locations such as the application site and therefore it is considered that in view of the improved facilities proposed, the strong likelihood of increased participation and the sustainable location of the facility in a larger settlement within the District, that these are material considerations of significant weight and which outweigh Sport England's objection to the scheme.

The County Highway Authority are satisfied with the layout of the recreation ground and the continued use of existing site accesses to serve the additional parking spaces, and as such the proposed development would not be detrimental to highway safety, in accordance with Policy T1 of the Local Plan.

In terms of the amenity of residents in the area, it is considered that there will be minimal additional impact given the existing use of the site for recreational purposes, and while it is likely that there will be additional visitors to the park, the number and location of entrances is such that demand for any one footpath in proximity of existing residential dwellings is unlikely to be such that it would cause significant disturbance. Although the extended level of facilities on the lower park will affect the outlook for residents in Beaumont Close and Broadmeadows, this will not be to a significant adverse extent. The main impact upon residential amenity is likely to come from the proposed floodlighting to the all-weather pitch, and in order to ensure that undue disturbance to residents is not caused, a condition to restrict the hours of operation would be appropriate. An objection from a resident in relation to the loss of a dog walking area is considered to be unsubstantiated given the remainder of open space within the site and the range of footpaths within and around the recreation ground which remain available. Therefore, in terms of impact upon the amenity of surrounding residents, the scheme accords with Policy H13.

Turning to issues of surface water disposal, both Northumbrian Water Limited (NWL) and the Environment Agency have been consulted on the proposals. NWL refer to the capacity of the Bowburn Sewage Treatment Plant and therefore require that should the development be approved, it be subject to a condition requiring the expansion of the existing facilities to meet the additional demand from the development. Similarly, the Environment Agency, have now withdrawn their objection to the scheme, but have recommended conditions be imposed in relation to the disposal and treatment of surface water discharge in order to prevent an increased risk of flooding. Such conditions are appropriate and ensure that the proposals are in full compliance with Policy U8a of the Local Plan.

In summary, it is considered that the proposals represent much needed investment in Bowburn Recreation Ground which will assist in the continued regeneration of Bowburn and provide facilities for the increasing population and surrounding catchment area. The scheme meets the aspirations of the community as expressed through the evolution of the Bowburn Masterplan. The facilities will not be to the detriment of visual and residential amenity or highway safety and issues of flood risk have been addressed. Accordingly Officers support the application. This apart, there remains an objection at the time of writing from Sport England and in accordance with the Town and Country Planning (Playing Fields)(England) Direction 1998 the application must be referred to the Government Office for the North East.

## **RECOMMENDATION**

That in accordance with The Town and Country Planning (Playing Fields)(England) Direction 1998 the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE**, 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. No development shall commence until a scheme for the protection of trees to be retained on site has been agreed in writing with the LPA, 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. 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. Surface water discharge must be attenuated to 10 l/s for the 100 year storm event.
9. 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.

10. Development shall not commence until a scheme for the expansion of the Bowburn Sewage Works to accommodate the sewage arising from the proposed development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. No buildings shall be occupied on site until the increased capacity at the sewage treatment works has been commissioned and constructed in accordance with the agreed scheme.
11. No floodlights shall be illuminated between the hours of 21:00 and 08:00.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans

Design and Access Statement

Arboricultural Implications Assessment

Planning Policy Guidance/Statements:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1); Planning Policy Guidance Note 17 (PPG17): Planning for Open Space, Sport and Recreation: and, Planning Policy Statement 25: Development and Flood Risk

Regional Planning Guidance RPG1 and draft Regional Spatial Strategy (RSS)

City of Durham Local Plan 2004

Bowburn Masterplan 2007

Responses from County Highway Authority, Environment Agency, Northumbrian Water Limited and Sport England


Public Consultation Responses

Various File Notes and Correspondence



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 <b>City of Durham</b>	<b>Planning Services</b>		Application No. 4/08/0017/FPA	
			Bowburn Recreation Ground Bowburn Durham	
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		<b>Date</b>	31 March 2008	<b>Scale</b>



### ITEM 3

<b>4/08/080/FPA</b>	<b>Red Oak, Lowland Road, Brandon, Durham DH7 8NN</b>
<b>Mr A Davidson</b>	<b>Proposed demolition of existing public house and erection of 16 no. dwellings (6 apartments, 10 houses) with associated access roads, footways and parking provision (revised and resubmitted)</b>

### **SITE AND APPLICATION DESCRIPTION**

The application site relates to the Red Oak Inn which currently functions as a public house and which is comprised of a range of flat and pitched roof brick built buildings, together with self-contained residential accommodation. The site itself extends to some 0.41ha with the existing buildings sited to the front of the site facing onto Lowland Road. The northern and eastern boundaries abut public open space, while along the southern boundary there is an existing bookmaker's office and public footway, with a recently constructed residential development beyond that. A large area of hard surfacing exists at the rear of the building which itself is occupied by a large telecommunication antenna.

Planning permission is sought to demolish the existing public house and erect 16 no. dwellings comprising of a two-storey apartment block of 6 no. units fronting Lowland Road each with two bedrooms, and 10 no. four bedroom dwellings of two and a half storeys located behind, all of which would be served off the existing site access. The telecommunication antenna would be removed from the site.

### **RELEVANT HISTORY**

This application is a resubmission following the withdrawal of an application (07/00918/FPA) for the same form of development in November 2007. The proposals were withdrawn in order that concerns raised by statutory consultees and additional supporting information could be provided.

### **POLICIES**

#### ***NATIONAL POLICIES***

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

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. The effective and efficient use of previously-developed land are key criteria.

#### ***REGIONAL POLICY***

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 RSS supports the principles of PPS3 in terms of planning for future households and the provision of a better mix of dwelling types and sizes, particularly in urban areas, as this has important social and economic implications for the future and is essential if the Region is to have a sustainable pattern of development. In addition, Policy 39(e) specifically requires that residential schemes of 10 or more units to have 10% embedded renewable energy generation.

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

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

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

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

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

Policy S5e (Local Centres - Brandon) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities is not eroded.

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

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

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) 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 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 Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

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 is satisfied with the layout of the site, and the retention of the grass verge on the southern edge of the site, the loss of which raise concern as part of the previous submission. They do, however, have outstanding concerns in relation to the level of car parking proposed. The provision of 1.5 spaces per apartment is acceptable, but 13 spaces for the remaining 10 dwellings is not acceptable and an objection is therefore raised.

Northumbrian Water Limited has no objections to the proposed development.

### ***INTERNAL RESPONSES***

The Council's Heritage and Design Section are largely satisfied with the overall layout of the scheme, but have suggested a number of minor alterations to the design.

### ***PUBLIC RESPONSES***

There have been no public responses to this application. In response to the previous scheme, only comments from Brandon and Byshottles Parish Council were received, who were largely satisfied with the scheme finding it appropriate to the area, however, concerns were raised in relation to impacts upon the footpath to the southern edge of the site.

## **PLANNING CONSIDERATIONS**

The main issues relate to the principle of redeveloping the site for residential purposes, the impacts upon visual and residential amenity, whether highway considerations are satisfied and whether emerging sustainability objectives are adequately addressed.

The site is, for planning purposes, previously-developed and its development, subject to the appropriateness of the details is acceptable in principle in accordance with PPS3 and Policy H3 of the Local Plan which permits the development of brownfield windfall sites in settlement boundaries.

However, the proposal involves the redevelopment of a community facility with an identified local retail centre for residential purposes, and as such, both Policies C9 and S5e must be satisfied, respectively. Both policies seek to retain community facilities or land supply unless adequate justification can be provided to mitigate the loss. In terms of Policy C9, the submitted supporting statement addresses the individual criteria in so far as the business is no longer economically viable and that alternative facilities exist in the locality. Policy S5e permits housing provided it does not erode the supply of land required for shopping or community facilities and is in scale and character. In support of the application, the applicants have looked at recent housing developments within the local centre, and the remaining land available for such facilities. Some 5.26 hectares (ha) are allocated in the plan as a local centre, while 1.07ha has been developed for housing already. There is therefore some 4.18ha of land either vacant or currently in use for shopping/community facilities. The development of the Red Oak site at some 0.32ha would result in an reduction of the land supply by some 7.8% which represents an erosion of the supply but almost 4.0ha of land would remain available or currently in use as a community or shopping facility. In the time since the adoption of the local plan and the allocation of the land for community/shopping facilities in 2004 there have been no applications for such development, which suggests that the existing facilities meet the existing demand, and therefore the proposals are considered to be consistent with Policies S5e and C9.

In terms of layout the scheme provides a strong street frontage with the apartment blocks fronting Lowland Road in a similar manner to the adjacent Barratt development to the south of the site, while a frontage is provided within the site leading to a cul-de-sac at the rear of the site, whilst making relatively efficient use of the land at 38 dwellings per hectare. In addition, the layout ensures that adequate levels of separation distance is provided both within and to nearby residential properties, while prospective residents would, with the exception of the apartments, be provided with sufficient amenity space for family houses. The County Highway Authority is satisfied with the road layout within the site; however, they have concerns in relation to parking provision for the houses specifically. The applicants have subsequently sought to increase the provision from 1.3 to 1.8 spaces per dwelling which relates to some 1.7 spaces for the site as a whole. This level is considered to be acceptable for the site given its sustainable location and proximity to local facilities.

The County Highway Authority previously raised concern with the layout in terms of the narrowing of the public footpath which abuts the southern edge of the application site. The current application has sought to address these concerns by ensuring that the width of the footpath/verge is not less than 3m at any point along its length in order to retain it as an attractive means for pedestrians to access the facilities within the local centre. The layout of the site is therefore considered to be in accordance with Policies H3, H13, T1, T10 and Q8 of the Local Plan.

Turning to the scale of the development, at two-storey's in height with second floor roof accommodation and a maximum height of some 9.0m the dwellings are similar in scale to the adjacent residential scheme and to which the scheme is most closely associated. The appearance of the proposed dwellings is again similar to the adjacent scheme, and revisions have been made to introduce greater detailing to elevations such that brick head and artstone cills are included across the site, together with the use of brickwork to all elevations. The proposed dwellings are therefore appropriate in scale and character and are in accordance with Policies H3, H13, S5e and Q8 of the Local Plan.

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. In particular, Policy 39(e) specifically requires that residential schemes of 10 or more units to have 10% embedded renewable energy generation. The application has been submitted with an Energy Statement which examines the CO2 emissions from the development, and that the use of sola water heating could, for example, reduce fossil fuel consumption on site by 15% and an emissions savings of around 11%. The statement addresses in detail the various methods which could achieve the required level dependent on which developer might ultimately build the scheme. To this end, the initial statement is considered sufficient and it would be appropriate therefore to require details of the specific method by which the scheme will achieve the 10% energy generation prior to the commence of development.

Further conditions appropriate, should the application be approved, relate to the requirements of Policy R2 and Appendix 3 of the Local Plan and the proviso of a commuted sum in lieu of open and play space provision on site. The requirement of Policy Q15 and a percent for art must also be addressed prior to development commencing. Given the relatively limited levels of open space within the site, the majority being the forward-most of the dwellings, it would be appropriate to safeguard these areas from becoming further hardstandings for car parking and permitted development rights should therefore be removed.

In summary, the principle of residential development is acceptable in this sustainable location, while the scheme itself is of a layout, scale and appearance which would safeguard the visual amenity of the area and the residential amenity of existing and prospective occupiers without detriment to highway safety, and accordingly, Officers are able to support the application.

## **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. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.
3. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will make provision (in accordance with the requirements of the Supplementary Planning Document 'Provision of Public Art as

Part of Major New Development Schemes' (2006)) for the format, detail, and implementation of an installation of public art on a site to be identified and agreed in writing with the Local Planning Authority.

4. Development shall not commence until details are submitted in writing to the Local Planning Authority demonstrating the means by which the scheme will include 10% renewable energy generation in accordance with the methods and options outlined in the *Initial Energy Statement* (North Energy, February 2008). Development shall thereafter take place in accordance with the agreed details.
5. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
6. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
7. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
8. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
9. Notwithstanding the 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.
10. 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.

11. 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

Design and Access Statement

Planning Policy Statements 1 and 3

Regional Planning Guidance (RPG1) for the North East

Draft Regional Spatial Strategy for the North East

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

Brandon

Playground

Car Park

Lowland  
House

LOWLAND ROAD

Community  
Hall



City of  
Durham

Planning Services

Application No. 4/08/0080/FPA  
Red Oak Lowland Road Brandon

Comments

Date

31 March 2008

Scale

1:1000

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**ITEM**

<b>4/08/138/OUT</b>	<b>Land Adjacent To Entrance Of South Bowburn Industrial Estate, Durham Road, Bowburn, Durham</b>
<b>Ogden Group Of Companies</b>	<b>Outline application for retail development including details of means of access and 2450 sqm retail floorspace (all other matters reserved)</b>

**SITE AND APPLICATION DESCRIPTION**

The application site lies at the southern end of the Bowburn South Industrial Estate within Bowburn Village.

To the east of the site, running along its boundary in a north-south direction, is the A177, one of Durham City's main entrance routes from the south. On the sites other three sides lie industrial development, although immediately to the north there is further unoccupied land. The estate's main entrance road runs in an east-west direction along the site's southern boundary, joining the A177 at a traffic light controlled junction, whilst a residential care home lies beyond.

The site is currently undeveloped and consists of open scrubland. A small area of woodland stands within the north east corner, and there is a belt of mature trees running along the eastern site boundary. These trees are protected by a Tree Preservation Order.

The applicants seek to establish the acceptability in principle of retail development on this land. Totalling 2450 sq m gross, this would comprise a 1500 sq m convenience food store, and 950 sq m comparison goods retailing split into several smaller units. On-site parking, service yard and delivery vehicle turning space would be provided, together with further heavy goods vehicle turning.

Vehicular access to the site would be taken directly from the A177 at the site's north western corner by means of a traffic light controlled junction. The development can also be accessed via the existing estate road for delivery purposes.

This application is supported by a Design and Access Statement, Retail and Planning Statement, Transport Assessment, Travel Plan, Ecological and Archaeological Reports.

**RELEVANT HISTORY**

None

**POLICIES****NATIONAL POLICIES**

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

Planning Policy Statement 6: Planning for Town Centres sets out the Government's objectives for the development of town centres which is to promote the vitality and viability of town centres but within this context states that there are other objectives to be taken into account including:

- Enhancing consumer choice by making provision for a range of shopping, leisure and local services which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups;
- Supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improved productivity; and
- Improving accessibility, ensuring that existing or new development is, or will be, accessible and well served by a choice of means of transport

Planning Policy Guidance 13: Transport has the objectives of integrating 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: Archaeology 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: Development and Flood Risk requires account to be taken at all stages of development its likely impact upon flood risk potential.

### ***REGIONAL POLICY***

Current RSS (RPG1 for the North East to 2016) at Policy RD1 – Retail Development - requires Development Plans to identify sites to accommodate appropriate development (i.e. where need is established) within a sequential approach. The allocation in the Local Plan reflects this approach. Proposals should also be located where they will reduce the need to travel and are accessible by modes of transport other than the car. This site meets these requirements.

Emerging RSS (North East of England RSS Further Proposed Changes) advocates a sequential approach to development – (Policy 3) - which allows at criteria 3, suitable sites in urban areas to be developed provided they are well related to homes, jobs and services and are accessible by all modes of transport. In this context Bowburn is defined as a “larger village” in the Local plan and can therefore be considered a secondary settlement in this sequential approach (i.e. it is an urban area).

Policy 39 requires an ambitious but viable percentage of embedded energy supply on site – this is taken to be 10% by the Council for DC purposes. (Detailed guidance is being prepared on this matter).

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

Policies EMP8d and S6 both apply to the application site, offering the choice of General Industrial (B2) or Village Shops being acceptable land uses for this site.

Policy T1 requires full account to be taken for the traffic generation potential of new development in respect of its impact on the local road network.

Policy T8 requires traffic management measures where appropriate to improve highway safety, amenity levels and ease congestion.

Policy T10 requires adequate off-site car parking associated with new development proposals.

Policy T20 requires the provision of cycle parking where appropriate.

Policy E14 has as its objective the protection of existing trees and hedgerows when new development is under consideration.

Policy E16 seeks to protect and promote nature conservation.

Policy E24 seeks to protect archaeological remains.

Policy U8A seeks to ensure, inter alia, that water run-off from large areas of hard standing does not result in flooding.

Policy U10 requires the consideration of flood risk.

Policy U11 requires land suspected of being contaminated to be fully assessed and appropriate remediation carried out.

Policy Q7 seeks high quality in respect of siting, design and external appearance for industrial and business development.

Policy Q15 requires elements of art to be incorporated within major development.

Policy S1A seeks to protect the vitality and viability of the local retail hierarchy.

## **REPRESENTATIONS**

### ***STATUTORY RESPONSES***

The County Highway Authority raises no objection to the proposals, subject to planning conditions relating to vehicular access works being completed prior to occupation, servicing and parking details, and the provision of a Travel Plan.

The Environment Agency accepts the findings of the flood risk assessment and offers no objections subject to appropriate planning conditions.

The County Archaeologist requests an investigatory planning condition to be imposed on any approval due to the possibility of archaeological remains, associated with both an important Roman road thought to have run along the line of the A177 through Bowburn, and a 19<sup>th</sup> century colliery, being present on the site.

### ***INTERNAL RESPONSES***

The City Council's Heritage and Design Manager raises no objections to this proposal subject to existing trees being safeguarded, and design details being reserved for further consideration.

The City Council's retailing consultant has carefully examined the evidence and in his professional judgement concludes that the economic impact of the proposed level of retail floorspace would fall mainly on Coxhoe, Kelloe and Bowburn itself.

In respect of Coxhoe and Kelloe, only a modest loss of trade is predicted, and this would not be at a level prejudicial to the vitality and viability of these shopping centres, due in part by the sizeable resident populations around them. The Coxhoe Co-op is also considered to be capable of trading successfully in the face of a new Bowburn foodstore.

However, the retail impact upon Bowburn village will be significant, in the sense that the existing Co-op store is vulnerable to competition due to its location and indifferent appearance, despite being recently refurbished, and its eventual closure cannot be ruled out. Yet the overall benefits to the retail wellbeing of Bowburn are thought to be significant. Therefore the conclusion is that the merits of the proposal outweigh the harm, resulting in a new local shopping centre of sustainable scale, consolidating and improving the shopping provision in Bowburn.

## ***PUBLIC RESPONSES***

The City of Durham Trust comments that although a supermarket in Bowburn could be beneficial to the village, it objects to the size, considering 2500 sq m of retailing to be potentially harmful to other shopping centres and well in excess of the amount of floor space considered to be appropriate to such a village within the Local Plan.

## **PLANNING CONSIDERATIONS**

In land use terms retail development is acceptable on this site, fulfilling the objectives of Local Plan Policy S6, one of its dual designations.

The County Highway Authority accepts the proposed new vehicular access from the A177 via a traffic light controlled junction. A pedestrian phase would be incorporated, enabling safe and easy access from the main residential areas within the village on the eastern side of the A177.

The amount of retailing proposed exceeds the 1000 sq m limit advocated within the Local Plan. However, it is the professional opinion of the City Council's retailing consultant that no harm would result in respect of impact upon the vitality or viability of nearby shopping centres, although there would be impact on Bowburn itself. This conclusion is based on the proposed retail space being divided between a 1500 sq m supermarket and 1000 sq m of further retailing. In other words, the floor space would be split between at least two different outlets, bringing the proposal closer to the size required by policy yet providing the critical mass necessary to attract a supermarket retailer.

In terms of retail impact within Bowburn, I accept my retail consultant's conclusion that the existing Co-op store will take the brunt of this competition, but I agree with his view that the overall benefits for the village off-set this concern. Furthermore, planning policy is not designed to protect individual shops from competition, it's objective is to protect the shopping centre as a whole, and in that regard I am advised that the vitality and viability of Bowburn Village will be enhanced by the approval of this proposal. There are also significant regeneration benefits for a disused and neglected site in the centre of the village.

It is an aspiration of the Bowburn and Parkhill Masterplan, which although not a statutory planning document, is an accurate reflection of the wishes of the local community, to attract a small-scale mid-range supermarket into Bowburn village. The objective being to offer a greater choice of village retail outlets and reduce the necessity for car journeys to supermarkets elsewhere.

Accordingly, the major regenerative benefits of a new retail provision outweigh, in my judgement, a minor departure from policy. And in this regard I have taken full account of the concerns of the City of Durham Trust.

Therefore, subject to appropriate planning conditions in respect of development details, tree protection, amount of retail floorspace, highway and parking provisions, this application has my full support.

## **RECOMMENDATION**

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of layout, scale, appearance and landscaping of the site; (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.
3. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
4. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post planting maintenance and such a scheme shall require the approval of the Local Planning Authority in writing before any development is commenced. Such a 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 goods as and when necessary, unless the Local Planning Authority gives written consent to any variation.
5. 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.
6. 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.

7. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
8. No sales shall take place from the premises until there have been submitted to and approved in writing by the Local Planning Authority details of refuse storage and litter containing facilities and all such approved facilities have been provided.
9. No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include assessment, evaluation, and where appropriate mitigation, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Planning Authority.
10. 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.
11. 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.
12. Of the retail floorspace hereby permitted, no single unit shall exceed 1500 sq m gross.
13. 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.
14. 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.
15. The retail floorspace hereby approved shall not open for trading until the new traffic signals at the site access from the A177 are fully operational.
16. A detailed Travel Plan shall be approved in writing by the Local Planning Authority within 6 months of trading commencing from any of the hereby approved retail floorspace and implemented in full accordance with the approved terms. The approved Travel Plan shall be reviewed annually in conjunction with the Local Planning Authority and the County Highway Authority.
17. No development shall commence until details of the means of delivery to, and servicing of, the hereby approved retail floorspace have been agreed in writing with the local Planning Authority. Once agreed, the terms of that agreement will be fully complied with.

18. Prior to development commencing, details of car parking layout and cycling facilities within the site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with.
19. An up to date Ecological Assessment of the site, together with any appropriate protected species mitigation measures, shall be submitted with any Reserved Matters or Full Planning Application submissions to the Local Planning Authority.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans

Design and Access Statement

Flood Risk assessment

Travel Plan

Transport Assessment

Ecology Report

Archaeological Report

Planning Policy Statements PPS 1, 6 & 25

Planning policy Guidance PPG 13 and 16

Regional Planning Guidance for the North East RPG1

Regional Spatial Strategy - North East of England RSS Further Proposed Changes

City of Durham Local Plan 2004

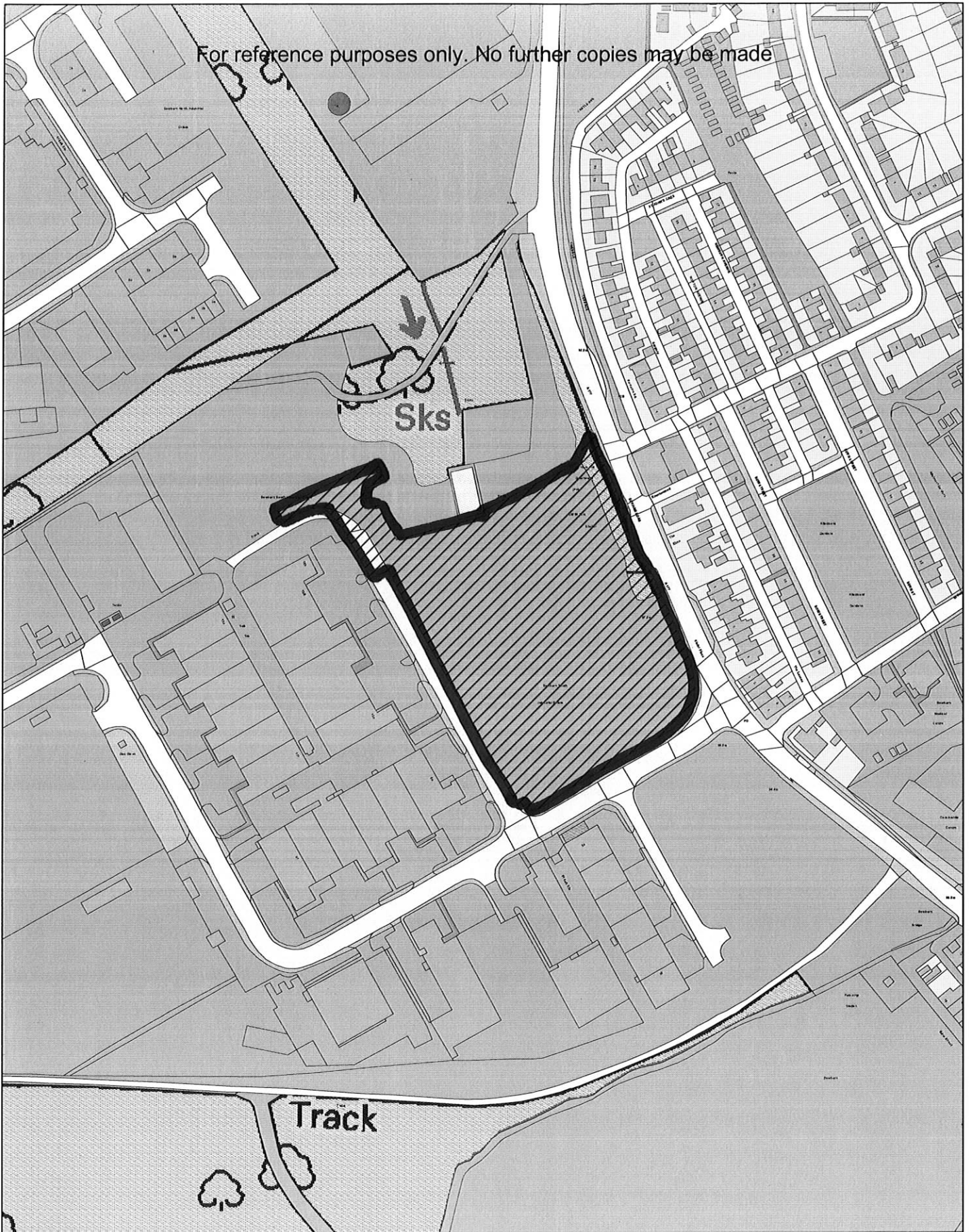
Responses from statutory, internal and public consultees

Various File Notes and Correspondence





For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/0138/OUT

Land Adjacent To Entrance Of South, Bowburn  
Ind Estate

Comments

Date

31 March 2008

Scale

1:2500

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