

**City of Durham**

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 9<sup>th</sup> July, 2008, at 5.30 p.m.

**Present:** Councillor Norman (in the Chair)  
and Councillors Bell, Crooks, Dickie, Freeman, Guy, Holland, Howarth, Kinghorn, Laverick, Marsden, Pitts, Plews, Rae, Simmons, Simpson, D Smith, Southwell, Stoddart, Walker and Young.

**Also Present:** Councillors Cowper, Kellett, Wilkes, Wilkinson and Wolstenholme.

**60. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Taylor.

**61. MINUTES**

The Minutes of the Meeting held on 11<sup>th</sup> June, 2008, were confirmed as a correct record and signed by the Chair.

**Report of Head of Planning Services**

**62. REPORTS FOR INFORMATION**

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by M Cleary – Site at 3 Mowbray Street, Durham, DH1 4BH
  - (ii) Appeal by S Brain – Site at land adjacent to 48 Garden Terrace, Coxhoe, Durham, DH6 4EH
  
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by NE Appleton – Site at 4 Buford Court, Western Hill, Durham
  - (ii) Appeal by A Hill – Site at land south of Periwinkle Barn, Low Raisby Farm, Kelloe, Durham
  - (iii) Appeal by T Lewis, First Class Trade Windows – Site at land adjoining Graham House, Damson Way, Dragonville Industrial Estate, Durham, DH1 2RE
  - (iv) Appeal by Mr and Mrs Allen – Site at 41 The Avenue, Coxhoe, Durham, DH6 4AG
  - (v) Appeal by Johnson Brothers – Site at Quarrington Farm, Old Quarrington, Durham, DH6 5NN
  
- (c) Applications – Determined under Plenary Powers
  
- (d) Building Control Applications

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

### **63. CONFIRMATION OF TREE PRESERVATION ORDERS**

#### **(a) PN1/406 – Site at Aged Miners Homes, Bearpark, Durham**

This Tree Preservation Order was served on 25<sup>th</sup> June, 2007. The Order was made to protect 2 no. mature beech trees adjacent to Woodland Road, which is the main road running past Bearpark. The level of threat was considered high as NEDL wished to remove one of the trees as a result of its proximity to power lines, although the trees appeared to have been present before the power lines were erected.

The trees were mature specimens of good form and contributed greatly to local character. They had intrinsic value and were fully visible from the adjacent road. The trees were also of wildlife value.

The Order had had effect for 6 months and it was now necessary to confirm the Order to safeguard the beech trees' contribution to public visual amenity.

No objections had been received.

**Resolved:** That Tree Preservation Order PN1/406 Aged Miners Homes, Bearpark, be confirmed without modification.

#### **(b) PN1/407 – Site at 10 Aykley Green, Durham, DH1 4LN**

This Tree Preservation Order was served on 10<sup>th</sup> May, 2007. The Order was made to protect numerous mature trees (sycamore, beech and alder) within the rear garden of 10 Aykley Green, Durham. An agreement was reached with the owner over which trees it would be acceptable to remove, however, the owner was in the process of removing additional trees, and the threat was therefore considered to be high.

The trees had intrinsic value and formed part of a prominent tree belt alongside the A167 on an approach into Durham. The trees contributed to the character and appearance of the local area, and were valuable in screening and softening nearby housing when viewed from the road.

The Order had had effect for 6 months and it was now necessary to confirm the Order to safeguard the trees' contribution to public visual amenity.

No objections had been received.

**Resolved:** That Tree Preservation Order PN1/407 10 Aykley Green, be confirmed without modification.

#### **(c) PN1/408 – Site at Houghall College, Durham**

This Tree Preservation Order was served on 19<sup>th</sup> November, 2007. The Order was made to protect numerous trees, tree belts and specimen trees including National Collection trees in the grounds of Houghall College, Durham. The College was reviewing options, including development opportunities, with a potential to sell for redevelopment. The level of threat was therefore considered to be high.

The trees had intrinsic value and some of the National Collection were rare. The trees contributed to the character and appearance of the local area, and were valuable within the semi-rural area and part of a wooded valley leading into Durham.

The Order had had effect for 6 months and it was now necessary to confirm the Order to safeguard the trees' contribution to public visual amenity.

No objections had been received.

**Resolved:** That Tree Preservation Order PN1/408 Houghall College, be confirmed without modification.

#### 64. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/08/307**  
**Durham Community**  
**Business College**                      **Durham Community Business College, Ushaw Moor,**  
**Durham, DH7 7NG**  
**Proposed construction of additional car parking and**  
**revised layout of existing car parking**

The above application was considered by the City Council under delegated powers on 2<sup>nd</sup> May, 2008, when it was resolved to raise no objection.

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

- (b) **CM4/08/311**  
**Sure Start County**  
**Durham**                                      **Sherburn Hill Primary School, Front Street, Sherburn**  
**Hill, Durham, DH6 1PA**  
**Erection of single storey extension to existing**  
**school to form Sure Start Centre with associated**  
**landscaping and means of enclosure**

The above application was considered by the City Council under delegated powers on 30<sup>th</sup> April, 2008, when it was resolved to raise no objection.

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

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

#### 65. RECOMMENDATIONS ON OTHER APPLICATIONS

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

- (a) **08/00383/FPA**  
**Three Rivers Housing**  
**Group**                                      **21, 23, 33, 35, 37, 39, 41 & 43 Rose Lea, Witton**  
**Gilbert, Durham, DH7 6RG**  
**Demolition of 8no. existing dwellings and erection of**  
**10no. two storey dwellings**

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

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

- (3) - 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.
- (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 vehicular access and 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) - No development shall take place until a detailed scheme for the diversion of the public sewer has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited, and development shall thereafter take place in accordance with the approved scheme.

(b) 08/00509/FPA  
Durham Villages  
Regeneration

**Land at Broomhall Drive, Ushaw Moor, Durham  
Erection of 29no. dwellings consisting of 11no. two  
storey houses, and 18no. bungalows with associated  
roads, footpaths and landscaping areas**

Following a site inspection by the Committee in relation to this application on 8<sup>th</sup> July, 2008, it was:-

**Resolved:** That in accordance with the Town & Country Planning (Development Plans and Consultation) (Departures) Directions 1999, 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) - No development shall commence until a planning obligation pursuant to Section 106 of the Town & 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 all dwellings hereby approved to the ownership of a Registered Social Landlord.
- (2) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (4) - Notwithstanding the information shown on the submitted plans, details of 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 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 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 development hereby permitted shall not be carried out otherwise than in accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

The Meeting terminated at 6.05 p.m.

Chair

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

**6 August 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 M Cornish  
Site at 18 St Nicholas Drive, Whitesmocks. Durham, DH1 4HH
  - b) Appeal by Mrs M Clearly  
Site at 3 Mowbray Street, Durham, DH1 4BH
  - c) Appeal by J C Decaux UK  
Site at Taj Mahal Tandoori, 51 High Street South, Langley Moor, Durham, DH7 8EU
  - d) Appeal by Mr A Whitley  
Site at Bracken Cottage, Bank Foot, High Shincliffe, Durham, DH1 2PD
  - e) Appeal by Mr D Brown  
Site at 2 Auton Close, Bearpark, Durham, DH7 7BJ
  - f) Appeal by Mr D Hird  
Site at 3 Auton Close, Bearpark, Durham, DH7 7BJ
  - g) Appeal by Mr R Young  
Site at Land Adjoining 4 Auton Close, Durham, DH7 7BJ
  - h) Appeal by Mr T Lawson  
Site at Land at North Street, Hett, Durham, DH6 5LR
  - i) Appeal by Claypath Dental Practice  
Site at Claypath Dental Practice, 71 Claypath, Durham, DH1 1QT

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

- a) Appeal by Mr F Parker  
Site at 15 St Oswalds Drive, Durham, DH1 3TE
- b) Appeal by Mr I Foster  
Site at land east of Paradise Cottages, Shadforth, Durham, DH6 1NJ
- c) Appeal by Mr D Pepper  
Site at 113 Musgrave Gardens, Gilesgate Moor, Durham, DH1 1PJ
- d) Appeal by Harrison Properties Ltd  
Site at Units 46, 47 and 48-51 Dragonville Industrial Park, Dragon Lane, Durham, DH1 2XU
- e) Appeal by Mr S Williams  
Site at land adjacent to 5 Mayorswell Field, Durham, DH1 1JW

**2. Planning Applications – Determined under Plenary Powers**

**3. Building Control Applications – Determined under Plenary Powers**

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

<b>Applicant No:</b>	CM4/08/459
<b>Applicant:</b>	Framwellgate Moor Primary School
<b>Location:</b>	Framwellgate Moor Primary School, Newton Drive, Framwellgate Moor, Durham, DH1 5BG
<b>Proposal:</b>	Erection of timber parent waiting area

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

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

**Recommendation:**

That the report be noted.



### 3. 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>			
08/00160/FPA West Rainton And Leamside Community Partnership	Playing Field Adventure Lane West Rainton Durham	Erection and installation of children's play equipment, 15 no. lighting columns, seating, footpaths, BMX track, skate park, fencing with gates, relocation of changing room block, extension of car parking area and removal of bowling green	<b>Approve</b>
<b>ITEM 2</b>			
08/0256/FPA & 08/0257/CAC Mr M Toye	R W D Motor Body Repairs Back Western Hill Durham DH1 4RG	Erection of 5 no. dwellings with associated parking and landscaping through demolition of existing buildings at northern and southern ends of the site and change of use and conversion of main building block together with extensions and alterations (resubmission)	<b>Approve</b>
<b>ITEM 3</b>			
08/00396/FPA Mr S Walton	Sherburn Sports Centre Front Street Sherburn Durham DH6 1QX	Change of use of open space into playground with siting of associated play and exercise equipment	<b>Approve</b>
<b>ITEM 4</b>			
08/00440/FPA Durham Villages Regeneration	Land To Rear Of Front Street Sherburn Hill Durham DH6 1PA	Erection of one and two storey community centre with associated vehicular access parking and landscaping, all weather pitch and sports apparatus, relocation of adjacent children's play facilities and erection of wind turbine height 15m to hub (amended description)	<b>Minded To Approve</b>



**ITEM 1**

<b>08/00160/FPA</b>  <b>West Rainton And Leamside Community Partnership</b>	<b>Playing Field, Adventure Lane, West Rainton, Durham</b>  <b>Erection and installation of children’s play equipment, 15 no. lighting columns, seating, footpaths, BMX track, skate park, fencing with gates, relocation of changing room block, extension of car parking area and removal of bowling green</b>
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**SITE AND APPLICATION DESCRIPTION**

The application site lies to the north west of the residential settlement of West Rainton. Currently the site is a large recreational area (4.3 hectares) and is split into two distinct parts. The eastern part of the site contains two football pitches and a small car parking area. The western part of the site contains an overgrown and redundant bowling green and unkempt land. Adventure Lane provides a vehicular access and leads to a car park and a footpath access is provided to the west of the site from The Crescent. The site is relatively level and bounded to the north, east and west by fields which have established hedges and trees and by residential dwellings to the south. A further row of established trees lies within the site.

A supporting statement with the planning application states that the proposed scheme has been submitted following extensive consultation with the residents of West Rainton. The existing use of the land is proposed to be retained as a recreation area and the access, parking and two football pitches are proposed to be retained. In addition, a toddler play area, a play area for older children, a skate park, wildflower meadow, BMX track, additional footpath, lighting and an extension to the existing car park are proposed. All the existing boundary hedging and trees within the site are proposed to be retained.

**RELEVANT HISTORY**

There is no planning history on this site.

**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 to ensure 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 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 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.

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.

Local planning authorities should furthermore 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.

### **REGIONAL POLICY**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities.

### **LOCAL PLAN POLICIES**

Policy E7 (Development in the countryside) strictly limits development within the countryside to protect rural areas.

Policy R3 (Protection of Outdoor Recreation Facilities) recognises the valuable resource of the outdoor recreational facilities and seeks to protect them.

Policy R8 (New Recreational Facilities) seeks to support sustainable recreational facilities with suitable access, and appearance.

Policy Q1 (General Principles – Designing for People) general principles on the needs of users in the design and layout of new developments.

Policy Q2 (General Principles – Designing for Accessibility) seeks to ensure careful consideration is given to the access requirements of pedestrians, and all public and private transport arrangements.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

### **OTHER RELEVANT POLICIES/STRATEGIES**

The City of Durham has conducted a survey of play facilities and has developed a Durham Strategy for Play provision.

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **PUBLIC RESPONSES**

One letter of objection from a local resident on the following grounds to the original application:

- The existing changing rooms are an eyesore and in apparent poor condition and she objects to the moving of this to a more prominent position.
- The lighting columns appear an insensitive and overtly urban intervention to a semi-rural setting and concern about light pollution to residents with bedrooms facing the playing fields.

- The proposed large boulders would divide an area of open space and provide unnecessary protection since there only issue of vehicular trespass on the fields at present are that of off-road motorbikes, which the boulders would not prevent.
- The proposed fencing appears to be of a poor visual design, and would do little to enhance the look of the proposed development. .
- The proposed facilities appear to be entirely youth orientated, with no facilities being provided for other social groups. The inclusion of a greater variety of facilities would be welcomed.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **STATUTORY RESPONSES**

The County Highway Authority raises no objection to the application.

Sport England has raised no objection to the application.

## **PLANNING CONSIDERATIONS**

The application site is an existing recreational facility in a rural area outside the settlement boundary, but immediately adjacent to the residential enclave of West Rainton. The site area of approximately 4.3Ha is a currently used for informal recreation; for football matches in particular. The use for this area is the proposed retention and enhancement of these facilities. The two football pitches to the east of the site are proposed for be retention as are the associated changing rooms; but relocated. The proposed facilities are to serve the local community in West Rainton and allow local children and residents the opportunity to walk to the facilities.

The main planning issues relate to the protection and enhancement of the existing community facilities, impact on trees and the visual amenity of the area, and consideration of potential noise and disturbance to local residents.

In accordance with the Local Plan Policy R3 the application retains the existing recreational use of the land. In support of the application it should be noted that extensive public consultation has been undertaken with the residents of West Rainton, and the proposed equipment and layout has been proposed in response to this consultation.

The existing recreational area has a mature perimeter tree belt to the west and north and a hedgerow to the east of the site. An internal row of mature trees are located to the west of a football pitch which acts as a physical and visual barrier between the football pitch and the children's play area. These trees will be retained, and are not detrimentally affected by the proposal. With regard to the visual amenity of the area the proposal is for well designed play equipment which is appropriate in colour, size and materials to the recreational area. The siting of the skate park and BMX track are to the north of the site and positioned with consideration to the potential disturbance to the local residents. A distance of 100 metres is achieved from the proposed skate area to the closest residential property.

Following public consultation responses to the Community Development Officer who has separately been undertaking additional public consultation, the location of the changing rooms has been amended.

With regard to the objectors concerns about the range of activities provided on the site the supporting statement with the application states that these are representative of the communities needs. Currently no play facilities, Skate Park or BMX areas are available and the proposal substantially extends the existing facilities. The lighting columns provide a functional need on the recreational area. Details of their design and illumination are conditioned. The objection relating to the condition of the changing room is noted and although the structure is not aesthetic it does serve an important function. The relocation of the changing rooms has reduced the visual intrusion of this building. The introduction of the boulders should help to reduce the trespass of motor vehicles onto the site.

## **CONCLUSION**

In conclusion the application is considered to protect and enhance the existing recreational facilities in West Rainton. The proposed new recreational facilities have been proposed following close consultation with local residents. The siting and design of the recreational area retains the two football pitches and also provides a variety of equipment for toddlers, older children, BMX and skate facilities. Additional footpaths and lighting are included for all users. These local facilities for the West Rainton area are considered to enhance the existing recreational facilities in the local area.

## **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. Before the development commences full details of the lighting columns and the illumination from the lighting columns shall be submitted the Local Planning Authority and approved in writing.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans  
Planning Policy Statements 1, 3 and 7  
Planning Policy Guidance Note 17  
The North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008  
City of Durham Local Plan 2004  
Responses from Statutory Consultees  
Public Consultation Responses  
Various File Notes and Correspondence

For reference purposes only. No further copies may be made

Drain



City of  
Durham

**Planning Services**

Application No. 4/08/00160/FPA

Playing Field, Adventure Lane, West Rainton

**Comments**

**Date**

25 July 2008

**Scale**

1:2223

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**ITEM 2**

<b>08/00256/FPA &amp; 08/00257/CAC</b>	<b>R W D Motor Body Repairs, Back Western Hill, Durham, DH1 4RG</b>
<b>Mr M Toye</b>	<b>Erection of 5 no. dwellings with associated parking and landscaping through demolition of existing buildings at northern and southern ends of the site and change of use and conversion of main building block together with extensions and alterations (resubmission)</b>

**SITE AND APPLICATION DESCRIPTION**

This application relates to the former premises of RWD Motor Body Repairers, sited at the base of Back Western Hill, between the dwellings of Western Hill, the County Hospital, and the woodland of Flass Vale. The site is within the City Centre Conservation Area. The buildings are an interesting, if dilapidated, reminder of Victorian industry in the City Centre, and whilst not of a quality or importance that would justify formal listing, are worthy of retention and conversion.

The two applications presented here – for planning permission and conservation consent - proposed the demolition of the light-weight element that currently joins the main brick building to the smaller stone element at the higher end of the site. The smaller brick-built elements at the lower end of the site will also be removed, with the exception of the brick kiln, which is to be incorporated as a feature into the new development. Taking the footprint of the two elements to be demolished, and converting the two buildings being retained, the applicants proposed a scheme of 5no. residential units, described as 4 family homes and a 2 bed apartment. Wooden verandas will cantilever from the rear elevation of the building into the slope/woodland area to give a degree of private amenity space. The principal built elements of the scheme are all within the settlement boundary, albeit the site and the small cantilevered patio elements proposed to the rear of the dwellings overlap into the countryside and Green Belt.

**RELEVANT HISTORY**

An application submitted for the same site for 6 no. dwellings was withdrawn by the applicants when it became clear that a recommendation for refusal on design grounds was likely.

**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: Greenbelts, 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 3: Housing, includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision.

Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

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 13: Transport, this PPG's 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.

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.

To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance Note 14: Development on Unstable Land, explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised.

Methods of delivery through development plans and development control are outlined. The role of expert advice is highlighted and various causes of instability are explained and sources of information are given.

Separately published Annexes on Landslides and Planning and Subsidence and Planning develop this advice with specific reference to those areas and include background information and good practice guidance on identification and assessment of these problems and how they are can be dealt within the planning system.

Planning Policy Guidance Note 15: Planning and the Historic Environment, lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection.

The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to

be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system.

These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

Planning Policy Guidance 16: Archaeology 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.

### ***REGIONAL POLICY***

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

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

Policy E1 defines and restricts development within the Durham City Green Belt.

Policies E6 and E22 are complimentary policies designed to protect the character and appearance of the City Centre Conservation Area, setting out a number of fundamental criteria derived from PPG15 (above), designed to protect the special character, appearance and setting of the designated area. All development is required to preserve or enhance the character or appearance of the Conservation Area. All development proposals should be sensitive in terms of siting, scale, design and materials, reflecting where appropriate architectural details. Policy E22 is the general Conservation Area Policy, with E6 specific to the City Centre Conservation Area, setting out criteria relating to building and demolition works.

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

Policy E7 restricts development within the countryside to specific uses and justifications, to protect it as a resource for its own sake.

Policy E10 seeks to protect the Area of High Landscape Value, resisting development that would have an unacceptable adverse effect on the landscape value or quality of the area, and requiring an acceptable development to respect the landscape in terms of its siting, design, scale, materials, and protection of landscape features.

Policy E18 seeks to safeguard identified sites of Nature Conservation Interest, requiring the benefits of development to outweigh any such interests, there be no alternative sites available, and mitigation measures to be introduced as appropriate.

Policy E19 seeks to protect key wildlife corridors whilst E20 recognises the importance of Local Nature Reserves.

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

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

Policy E14 states that in considering proposals affecting trees and hedgerows the Council will not permit the loss of ancient woodland, designate TPOs as necessary, require development to retain important groups of trees, individual trees and hedgerows, requiring a survey of such when development may affect such.

Policy E25 protects the Neville's Cross Battlefield site from inappropriate development.

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.

Policy R14 seeks to protect the recreational potential of the Browney Valley through a set of defined criteria.

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.

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

Policy U13 – Development on unstable land - will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk) .*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority raise no objection to the proposals, noting the City Centre location, consider the level of car parking proposed acceptable.

Northumbrian Water raise no objection to the proposals.

Natural England consider the scheme unlikely to have an adverse impact on species protected by law, and suggest conditions to be attached to any approval.

The County Archaeologist offers no objection to the proposals.

### **PUBLIC RESPONSES**

The local NHS Trust, as owners of the adjacent County Hospital wish to make no comment on the application. The City of Durham Trust suggest conditions regarding tree works, and make detailed comment on an elevational treatment and materials specification.

Three local residents have responded to the consultation exercise. One neighbouring property has listed a number of concerns, including potential instability issues, vehicular and pedestrian traffic issues, the need to protect the character of the area, and the role and importance of the Vale for nature conservation. The owner of the adjacent property to the north, writes in support of the application, noting the need for appropriate materials. The third correspondent refers to her objection to the previous scheme, that outlines concerns for noise, drains, road-surfaces, damage to existing property, and access relating to the proposed construction process. The loss of the small brick built unit at the lower, southern, end of the site is considered of detriment to the character of the Conservation Area.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## **PLANNING CONSIDERATIONS**

The planning applications relate to a historically interesting, if not formally protected complex of Victorian industrial buildings, last used as a car repair business, but vacant for a number of years. The applicant proposes 5no. residential units based on a conversion of the larger, more substantial elements of the existing structures, with new-build elements using the footprints of the buildings proposed demolished. The scheme proposes a contemporary approach to the new elements designed as an innovative and complementary mix of new and old building styles and materials.

The key issues to be considered therefore relate to the appropriateness of the works in the context of the Conservation Area – in terms of loss of existing built elements, and of the replacement structures, and the effects on and relationship to the adjacent area – both built and natural. The effect on the trees needs careful consideration and levels of privacy and amenity resulting from the use of the buildings as dwellings is of importance. The principle Policies to consider the proposals against are therefore are E6 and E22, E14, along with H2, H13, Q8 and T1.

The architectural approach to the site has been the subject of pre-submission discussions over a period of time and has evolved in consultation with the Council's Cultural Services Department. The proposals seek to retain the two main elements of the site as is – the large central brick built element, and upper stone built structure, and integrate a contemporary approach to the replacement elements through the proposed massing, 'clean' detailing, and

the appropriate use of materials. A condition is proposed to ensure full agreement over the areas of the site to be demolished, and those parts of the retained buildings to be rebuilt.

The scheme has sought to retain the character of the existing buildings by minimal alteration to those elements that remain, avoiding the introduction of unnecessary new openings. The resultant impact on the residential amenities of those properties facing is consequently restricted to the change of use of the building, and the residential use of those windows. Where those windows are living room windows, the windows are not the sole source of light, with additional fenestration of side elevations. The main implications relate, therefore, to the two properties of West Terrace at the base of Western Hill, that have a mix of openings facing the site. Officers consider the relationship acceptable. The new elements of the proposals have minimal implication for existing residential amenity. The final implication for residential amenity is whether the lightweight cantilevered patio areas to the rear of the proposed building give sufficient space for the residences proposed. The location and surrounding topography make these elements wholly private, and the degree of 'break-out' space is considered acceptable.

With County Highways Engineers satisfied with the parking and vehicular access provisions, this element of the scheme is likewise considered acceptable. It is noted at this point that the public consultation exercise expresses concern on the implications of the building works, both in terms of disruption and the potential for physical damage to the private and public environment. Members will be aware of the role of the planning system in assessing the merits of the proposals themselves, with other legislation, primarily in the areas of Highways and Environmental Health designed to have control over any nuisance resulting from the construction process.

Concern has been raised by Conservation Officers at the lack of detail provided with the application as to the effect on levels in relation to these structures, and the degree of cut or fill involved. The rear of the building will require construction of foundations and retention structures to modern standards, which will require careful engineering of the slope and ground levels. A condition is proposed that seeks to address and give the Council an appropriate degree of control over this matter. The proposed patio areas to the rear of the building will not be supported by, but may sit on, or cut into the slope. Therefore whilst these structures will be attached to the building rather than requiring foundations in their own right, further detail will be required of the detail and their relationship to the slope, along with the implications for the structural integrity and need for retaining structures. Advice in PPS14 (above) details the role of other legislation in assessing the implications of land stability issues, but it is still a material issue in the assessment of the planning application.

The land stability issues to the rear of the proposed development also have implications to the tree works necessitated by the proposals. The proximity of the trees to the existing buildings does compromise the opportunities for design solutions for the site's development. Two surveys have been carried out by the applicants, albeit without access to the full structural implications of the scheme. Unfortunately those trees furthest away from the proposed building works are those in the poorest health, and least worthy of retention, whilst those nearest the building, and most affected, are the better specimens. The trees are not covered by Preservation Order, but have a level of protection by virtue of the site being within the City Centre Conservation Area. The level of trees loss proposed is an aspect of the scheme that has raised objection from the Heritage and Design Team in Cultural Services. It is noted however that the development will still be set within a mature woodland setting, with trees on the upper slope beyond and above the ownership of the applicants ensuring a good level of tree cover to the settlement boundary. A condition requiring agreement of a scheme of compensatory planting and landscaping works, in a manner appropriate to both the ground conditions, and to complement the existing flora and fauna is proposed in the event of an approval. It is noted that English Nature were satisfied with the documentation submitted with the proposals in respect of protected species.

The steepness of the slope mitigates and restricts the impact of the visual intrusion of the scheme outside the settlement boundary, and whilst this overlap in principle raises some conflict with the Green Belt, Countryside, Browney Valley and AHLV policies. The actual degree and context of the overlap is such that planning officers consider the actual impact, and departure from these elements of the Local Plan, negligible. The lower part of the new-build element has been re-designed to have a more solid appearance, and minimise light spill into Flass Vale in proximity to the footpath that runs along the bottom of the Vale between Back Western Hill and Waddington Street, to restrict the impact on this feature, and the woods as a Local Nature Reserve. Again a condition is proposed to ensure the detailed levels and finish of this built element and its integration into the existing ground levels is fully considered.

## CONCLUSION

In conclusion, it is considered that on balance the scheme merits officer support. The quality of architectural approach and the retention of the main elements of this interesting complex of buildings is done in a manner appropriate to the Conservation Area setting, and provides an appropriate level of privacy and amenity considered acceptable for both existing and new residents. The scheme has likewise been designed to respect the relationship to Flass Vale and the adjacent footpath. The intrusion of the cantilevered patio elements over the settlement boundaries is minimal, with any impact wholly contained by the topography. The level of tree loss required by the proposals is regrettable but does need to be considered in the wider context of the benefits and otherwise acceptable elements of the development of the site. With the opportunity to mitigate impact upon the Vale it is my considered view that a refusal of the scheme on environmental impact would be difficult for the Council to sustain. Issues of principle and detail referred to statutory consultees have been addressed adequately. This is a complex development site, and it is usual to expect a lengthy schedule of conditions allowing detailed elements to be agreed should consent be granted.

## RECOMMENDATION

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

4/08/00256/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. 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority.



12. No development shall take place except in accordance with the mitigation detailed within the 'Bat survey of land at Back Western Hill Durham and extended phase 1 and protected species survey at Back Western Hill, E3 Ecology, 13.06.07 -& 25.07.07, including but not restricted to adherence to timing and spatial restrictions, provision of mitigation in advance, adherence to precautionary working methods, enhancement of remaining woodland areas, and planting of woodland areas.
13. 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 the applicants and their agents have presented a full and comprehensive survey to ascertain land stability conditions and the presence of springs, or other elements which make effect the integrity of the site and its surroundings. This survey must be accompanied by a statement that provides a clear and concise strategy for protecting the site stability and that of adjacent land, structures and buildings to include levels and cross-sections - both during construction works, and for the future site integrity, and include a methodology for site works and plant movements, to be agreed in writing by the local planning authority before development commences. Full details of all proposed retaining structures and areas of infill must be identified in plan, section and specification must be agreed in writing by the Local Planning Authority before development commences, with particular attention paid to the base of the southernmost structure proposed for the site. The development including all works, working methods, plant deployment on site, and construction shall be carried out in accordance with the agreed details.
14. 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 the applicants and their agents have presented a full and comprehensive scheme indicating the full extent of demolition, alteration, retention and replacement of all elevations, roofs and structures on site, and this scheme has been approved in writing by the Local Planning Authority. The scheme thereafter must be implemented fully in agreement with that approval. No deviation from said scheme shall be implemented without further specific approval in writing by said Authority.
15. 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 the applicants and their agents have presented a detailed scheme showing proposals for the retention of the kiln existant on site, and said details have been approved in writing by the Local Planning Authority.

4/08/00257/CAC

1. 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, Plans, and Amended Plans

Design and Access Statement

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPG13, PPG14, PPG15, PPG16

Responses from County Highways, County Archaeology, Northumbrian Water and Natural England

Public Consultation Responses including the City of Durham Trust and the NHS Trust

Various File Notes and Correspondence

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City of  
Durham

Planning Services

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Application No. 4/08/00256/FPA + 4/08/257CAC

R W D Motor Body Repairers, Back Western Hill

Comments

Date

25 July 2008

Scale

1:625



**ITEM 3**

<b>08/00396/FPA</b>	<b>Sherburn Sports Centre, Front Street, Sherburn, Durham</b>
<b>Mr S Walton</b>	<b>Change of use of open space into playground with siting of associated play and exercise equipment</b>

**SITE AND APPLICATION DESCRIPTION**

The application relates to a rectangular parcel of land to the west of the Sherburn Sports Centre building. The parcel of land is a grassed area of open space with a group of trees located within the south west corner.

The application seeks to change the use of the section of open space land for use as a playground and exercise area. The proposed exercise area would contain a variety of free standing exercise equipment.

**RELEVANT HISTORY**

No previous applications relate directly to the site, however, planning approval was granted for an outdoor play space at Sherburn Sports Centre to the north of the application site in April 2004. The proposal effectively seeks to create an extension to the established site.

**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 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 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**

The North East of England Plan Regional Spatial Strategy to 2021 (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. Policy 16 (Culture & Tourism) emphasises the principles of sustainable development in meeting sport, leisure and recreational needs.

## **LOCAL PLAN POLICES**

Policy E5A (Open Spaces within Settlement Boundaries) states that development which detracts from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character or to the small scale character of an area, will not be permitted.

Policy H13 (The Character of Residential Areas) 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 amenities of residents within them.

Policy R6 (Provision of Recreational Facilities) states that the development of further leisure/sports facilities at and adjoining district sports centres will be permitted provided that any intensification in usage of the site will not adversely affect residential amenity, will not result in vehicular parking problems and will not be detrimental to the character of the area.

Policy R8 (New Recreational Facilities) states that the location of any new recreational facility will be dependent upon the need to ensure that its appearance and use is not detrimental to the character and amenity of the area, is accessible for public transport, cyclists and pedestrians, satisfactory car parking can be provided and that it accords with any other relevant policy requirements.

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 E14 (Trees and Hedgerows) states that in considering proposals affecting trees and hedgerows the Council will not permit development which would result in the loss of ancient woodland, designate tree preservation orders as necessary, retain areas of woodland, important groups of trees and hedgerows wherever possible and replace those of value which are lost. Trees reports shall also be required where necessary.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **REPRESENTATIONS**

### **STATUTORY RESPONSES**

None

### **PUBLIC RESPONSES**

None

## **PLANNING CONSIDERATIONS**

In accordance with Policies E5A, H13, R6, R8, T1 and E14 the main planning considerations relate to the principle of the development at the location, the impacts upon the character of the area, impacts upon highway safety and parking provision and impacts upon existing trees.

The proposal seeks to change the use of land which is currently open space to create additional outdoor recreation facilities adjacent to Sherburn Sports Centre.

Policy R6 of the Local Plan specifically relates to the provision of recreational facilities at the Council Leisure Centres. Such development is considered to be acceptable provided that any intensification in usage will not adversely affect residential amenity, shall not result in vehicular parking problems and the appearance of the development shall not be detrimental to the character of the area. In addition, Policy R8, relating to the provision of new recreational facilities, expects ease of access with regards to public transport, cycling and pedestrian routes.

The proposal seeks to improve upon existing recreation facilities at Sherburn Sports Centre and such improvements are considered, in principle, to be acceptable and beneficial to the district.

The proposed site is located a considerable distance from residential properties and no harm with regards to residential amenity is considered to occur. The appearance of the exercise equipment within the grounds of the sports centre and adjacent to existing recreation equipment shall cause no harm to the character of the area. No details with regards to the provision of surfaces within the exercise space or boundary treatments, where required, have been submitted within the application. Conditions are therefore attached with regards to these elements in the interests of visual amenity.

Sherburn Sports Centre contains dedicated car parking and, given the scale of the proposed development and its usage, no parking provision problems are considered to arise with ample parking available. In addition the site is located within close proximity to the centre of Sherburn Village with easy access for all visitors including public transport users, pedestrians and cyclists. As such the proposals are consistent with the relevant principles of planning guidance provided by the RSS. No harm is considered to occur with regards to highway safety.

The application site itself contains a grouping of relatively mature trees located within the south western corner. The proposed layout plan indicates the position of the proposed exercise equipment. From a site visit it appears that some equipment may be within close proximity to the trees within the site namely the "Air Walker" and "Elliptical Cross Trainer" identified as I and K respectively on the proposed site layout. In the interests of ensuring the health of the trees on site, conditions are attached requiring a layout plan precisely locating all exercise equipment, methods for the protection of the trees and for the prior consent of the Local Planning Authority with regards to any proposed works to the trees within the site.

## **CONCLUSION**

The proposed change of use is therefore considered to be appropriate in the location with no harm caused to the character of the area, the amenity of local residents, highway safety and parking issues or to the health of trees within the site. Officers therefore support the proposal which is considered to be in accordance with the requirements of Policies E5A, H13, R6, R8, T1 and E14 of the Durham City Local Plan 2004.

## **RECOMMENDATION**

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

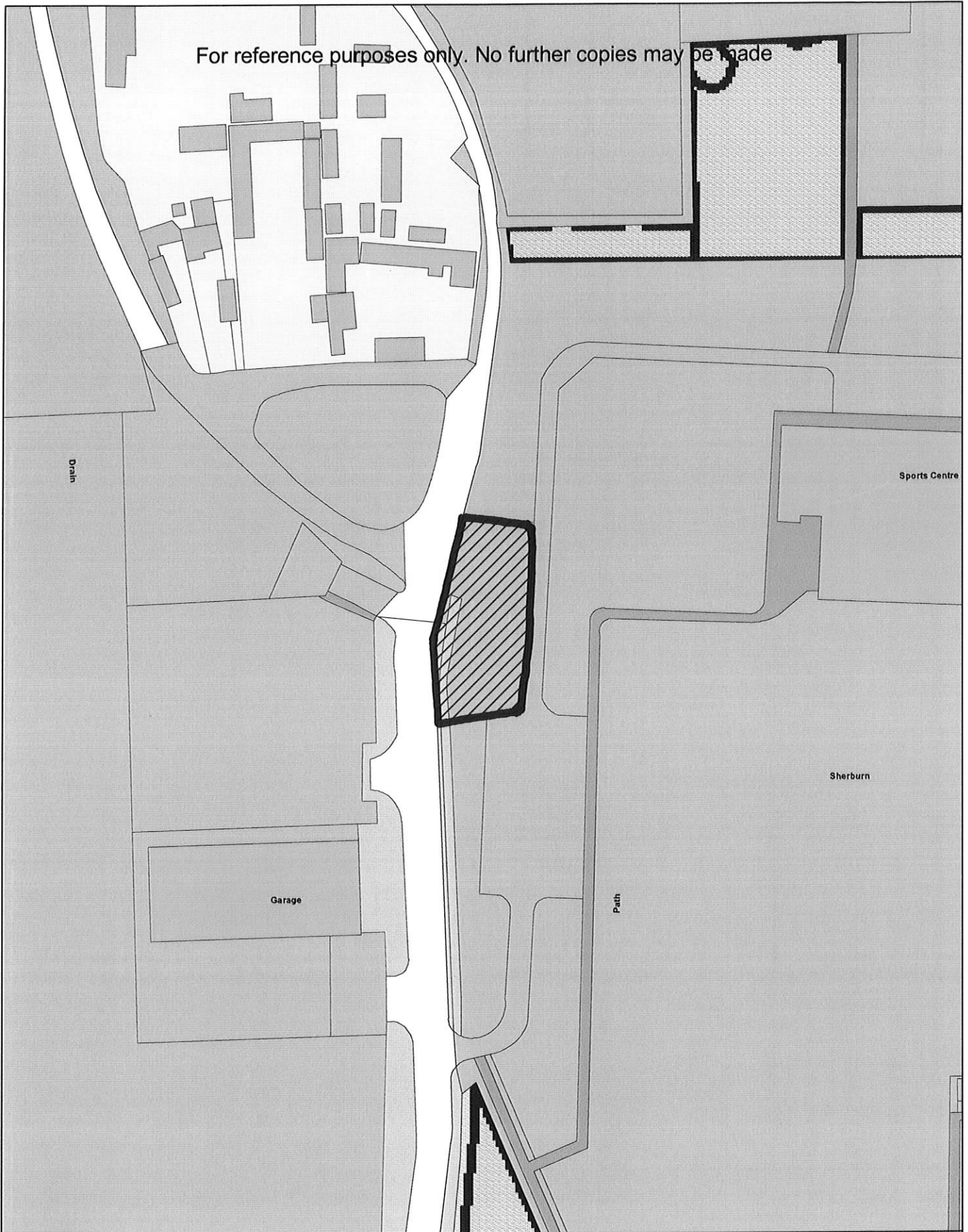
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted plans details of the surface treatment of the exercise areas to be provided on site shall be submitted to and approved in writing by the Local Planning Authority before work commences and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls, gates 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 before development commences agreement shall be reached in writing with the Local Planning Authority regarding a scheme for the precise location of the exercise equipment and the development shall thereafter be implemented in accordance with the agreed scheme.
5. The existing trees on the site shall be retained and shall not be felled, lopped, topped or pruned without the prior written consent of the Local Planning Authority.
6. Notwithstanding the information shown on the submitted plans before development commences and following agreement upon the precise location of the exercise equipment relating to condition 5 of this approval, a scheme detailing methods for the protection of the trees and tree roots within the site in accordance with BS5837:2005 including details of all appropriate tree protection measures for each tree for the entire duration of the course of the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

## **BACKGROUND PAPERS**

Submitted Planning Application Forms, Plans and supporting information  
City of Durham Local Plan 2004  
The North East of England Plan Regional Spatial Strategy to 2021 (July 2008)  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Guidance 13: Transport  
Planning Policy Guidance 17: Sport and Recreation  
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. 4/08/00396/FPA

Sherburn Sports Centre, Front Street, Sherburn

Comments

Date

25 July 2008

Scale

1:1000

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**ITEM 4**

<p><b>08/00440/FPA</b></p> <p><b>Durham Villages Regeneration</b></p>	<p><b>Land To Rear Of Front Street, Sherburn Hill, Durham</b></p> <p><b>Erection of one and two storey community centre with associated vehicular access parking and landscaping, all weather pitch and sports apparatus, relocation of adjacent children's play facilities and erection of wind turbine height 15m to hub (amended description)</b></p>
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**SITE AND APPLICATION DESCRIPTION**

The application site relates to an undulating area of grassed open space immediately to the rear of residential properties in Front Street, separated by an unmade access lane. The western and southern boundaries are heavily tree planted, while open space containing a children’s play area is situated to the east and an extensive area of allotments are beyond the site to the north. Access to the site is provided immediately off Front Street and is shared with a number of surrounding residential dwellings. For planning purposes, the site is outside the settlement boundary of Sherburn Hill and is therefore defined as being in open-countryside, even though it is immediately adjacent to the built-up area of the village itself.

Planning permission is being sought for the erection of a community centre building which would be of one and two-storeys in height and of a contemporary appearance in terms of its design and materials. It would accommodate various meetings rooms, a main hall, a snooker room and associated service areas. Embodied within the building in terms of its construction and use are the principles of sustainable development and energy. The building will be constructed using a timber frame and walls part filled with soil, for example, while a ground source heat pump will provide energy to heat the building and a 15m high wind turbine situated in the north-east corner of the site will directly power the heat pump itself. In addition to the building itself, the proposals involve the construction of an associated car park, the provision of an all weather pitch and the relocation of the existing children’s play facilities to the west of the site to within the site to allow closer supervision from the community centre.

**RELEVANT HISTORY**

Although there is no specific planning history for the application site, its context is such that it forms part of a wider regeneration initiative by Durham Villages Regeneration Company (DVRC), which has since its formation, sought to regenerate the former coalfield villages in the District. The provision of new housing supply, including low cost market housing, has formed a significant part of this initiative but there have also been social and community infrastructure works, as well as environmental improvements. The main aims of DVRC are to provide sustainable, safe and well balanced environments where community spirit will raise people’s aspirations, and central to this is the provision of a community centre, and work to develop the proposals and engage the community has been ongoing since 2000. This application follows a new housing scheme on Front Street together with such schemes that have been implemented District-wide and which seek to continue the regeneration of villages like Sherburn Hill; affected by contraction of the mining sector and coalfield closures.

## **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 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 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 22, Renewable Energy, sets out the Government's planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

### ***REGIONAL POLICY***

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities.

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

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 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 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 R9 (Public Parks and Recreation Grounds) encourages the provision of additional play facilities.

Policy C8 (Community Facilities – Provision of New) states that planning permission will be granted for community facilities such as community centres where, amongst other things, they are within existing settlement boundaries and are well-related to residential areas, are capable of serving a number of uses, and would not adversely affect residential amenity.

Policies Q1 and Q2 (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.

Policy U14 (Energy Conservation – General) states that the energy efficient materials and construction techniques will be encouraged.

Policy U15 (Energy Conservation – Renewable Resources) permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

*The above represents a summary of those policies considered most relevant in the Local Plan, with the full text, criteria, and justifications of each may be accessed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority has raised no objection to the scheme finding the proposed access, site layout and levels of parking to be acceptable, subject to the works proposed to the access road and junction being carried out.

### **PUBLIC RESPONSES**

The occupiers of 2 Old School, Front Street have objected to the scheme, considering that the siting of the facility on the periphery of the village is a missed opportunity to create a heart to the village, while there would be insufficient parking provision for visitors to the site, and finally that while the sustainable building methods and energy generation are admirable, they will provide little environmental benefit.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk)*

## PLANNING CONSIDERATIONS

The main issues relate to the principle of the development being outside the settlement boundary, together with the impacts upon the character and appearance of the area, the amenity of surrounding residential properties and highway safety.

The application site is located on the very edge of the settlement, but in planning terms it is outside of the settlement boundary for Sherburn Hill. Policy E7 states that development outside of settlement boundaries will not normally be allowed and permits it only where it accords with certain other Local Plan policies, none of which are applicable to the proposed development. Therefore, the proposals represent a departure from the Development Plan and they have been advertised as a departure in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

Policy C8 of the Local Plan encourages the provision of new community facilities such as community centres provided that there are within the existing settlement boundary and well related to residential areas and local facilities. Community facilities are clearly an important part of any community; encouraging community groups to form, continue and prosper, all of which are central to creating sustainable communities which inhabitants can feel a part of. As acknowledged above, the proposed site is outside the settlement boundary. However, the site is well-related to residential areas and local facilities. Sherburn Hill is by its nature a linear settlement in form with development largely along both sides of Front Street. The village has been extended to the north but these areas, by virtue of the size of the settlement, are within a short walking distance of the application site, and similarly, although the village does not have a designated local centre like some of the larger villages, the main area of services which remain are in close proximity of the application site.

Further criteria set out at Policy C8 relate to the flexibility of use and impact upon residential amenity. The building would contain a number of meeting rooms, a snooker room, and storage and service areas together with a large main hall which would extend to around 160sq m, whilst being able to be partitioned to provide two separate uses. The building would therefore be flexible in terms of use. An existing vehicular access would serve the site and while it is likely that vehicular movements to and from the site would be relatively concentrated at times of events starting and finishing, there is unlikely to be a significant and continuous volume of traffic accessing the site which would cause a significant adverse effect upon the residential amenity of existing occupiers. Similarly, being positioned some 23m from the nearest residential property and therefore there would be no demonstrable privacy loss or noise from the use of the proposed building. In these respects the proposals accord with Policy C8. Finally, Policy C8 deals with accessibility both to the building and the site. The building would be subject to DDA requirements and accessible in this regard, while the central location of the site is such that it is accessible by public transport, cycling and walking. The County Highway Authority is satisfied that the site access, subject to it being upgraded, is acceptable and similarly that the provision of 17 parking spaces is sufficient in this location, contrary to the thoughts of an adjacent occupier. The proposals accord with Policies T1, T10 and C8 in this regard.

Turning to visual amenity, the proposed building is clearly contemporary in appearance and its materials are reflective of its very deliberate link to the sustainability agenda. Large elements of glazing are oriented to make use of solar gain, the walls are recycled plastic filled with soil and planted to a height of around 2.3m, while the large expanses of relatively shallow or flat roof would be sedum covered. A number of these techniques have already been pioneered successfully at the award winning Rivergreen centre at Aykley Heads. Although clearly a contrast to the traditional residential dwellings which are in close proximity of the building, the design is driven by environmental principles and at only 6m at its highest point, will sit comfortably in a lower part of this undulating site and will not be significantly visible in longer views or adversely affect the character and appearance of the area. Tree belts around the periphery of the site are to be retained also further screening the

development, in accordance with Policy E14; however, conditions to ensure this commitment would certainly be appropriate.

Central to the design and functionality of the building are environmental considerations, and this would involve the provision of a ground source heat pump to the west of the building and this would be below ground by its nature and would be the main source of heating for the building. However, the heat pump would be powered directly by a 15m wind turbine located in the north-eastern corner of the site. At this height, the turbine will be visible in some longer views, particularly from the north and Sherburn village. The backdrop of existing buildings and trees alongside will, however, assist in mitigating its impact upon the landscape, whilst it would not significantly adversely affect nature conservation or issues of archaeological or historical importance. While an objector doubts the capacity of the turbine itself, there is no acknowledgement of its use in association with the ground source heat pump and the argument is not therefore substantiated. In terms of impact upon the amenity of residents, the nearest properties would be some 70m from the turbine, and Officers have visited a similar wind turbine in the District and have observed that the noise generated by the turbine even in relatively windy conditions is not especially audible over and above ambient background noise levels in any event. Therefore, it is considered that the amenity of residents will not be significantly adversely affected by noise from the turbine, and the proposed turbine as whole, accords with Policy U15 in this regard. In order to safeguard the environmental credentials of the scheme, a condition to ensure their implementation would not be unreasonable.

The community centre facility also includes proposals to relocate the existing children's play area to the east of the site into the application site. Currently, they are relatively isolated from any other use; however, by forming part of the community centre, the facilities will be close to the proposed building enabling closer supervision of children thereby ensuring their safety. Policy R9 of the Local Plan encourages the provision of additional play facilities at public parks and recreation encourages and by implication, is supportive of the proposed relocation of the play area. Further recreational facilities would be provided in the form of an all-weather pitch for use by the community as a whole. This would be enclosed by metal fencing to a maximum height of around 3.7m at either end while the trees and proposed building will largely screen it, and is justified as an ancillary facility with the community centre itself and the reasoned justification for its central location, as highlighted above.

## **CONCLUSION**

Therefore, while the location of the application site is such that the proposed building and ancillary facilities would be located in open countryside for planning purposes, they would be on the very edge of the settlement boundary, and physically they would be centrally located and conveniently accessible to surrounding residential development. As such the proposals are considered to offer clear and quantifiable regeneration benefits to the community, representing a relatively minor departure from the Local Plan. This would not in any case, fundamentally undermine the implementation of the Development Plan, particularly given the impetus of the recently published RSS and the principle of sustainable communities and the central role that such facilities can play in achieving this. The proposals, as a whole will not significantly adversely affect the character and appearance of the area, nearby residents or highway safety. The proposals as a whole are considered to be a justified minor departure from the Local Plan, however, since the proposals involve the development of Council owned land, there is a requirement to refer the application for consideration by the Government Office for the North East. Accordingly, Officers recommend that Members be minded to approve the application.

## RECOMMENDATION

That in accordance with Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 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. There shall be no floodlighting erected on the site without an application first having been made to the Local Planning Authority.



9. The community centre hereby approved shall not be brought into use until the ground source heat pump and associated wind turbine have become fully operational.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans and Amended Plans  
Design and Access Statement  
PPS1, PPS7 and PPG17  
The North East of England Plan - Regional Spatial Strategy to 2021  
City of Durham Local Plan 2004  
Response from County Highway Authority  
Public Consultation Responses  
Various File Notes and Correspondence



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City of  
Durham

Planning Services

Application No. 4/08/00440/FPA

Land To Rear Of Front Street, Sherburn Hill

Comments

Date

25 July 2008

Scale

1:1000

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