

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Thursday, 18th September, 2008, at 6.30 p.m.

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

Also Present: Councillors Cowper, Kellett, Lodge, Martin, Moderate, van Zwanenberg, and Wilkes.

199. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr and Guy.

200. MINUTES

The Minutes of the Meeting held on 6th August, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

201. REPORT FOR INFORMATION

The Director of Strategic Services submitted a report for information in relation to the cash received by the City Council from developers as part of planning conditions for the period 1st April, 2008, to 30th June, 2008, a copy of which had been circulated.

Resolved: That the report be noted.

Report of Head of Planning Services

202. REPORTS FOR INFORMATION

Note: Councillor Bell declared a personal interest in the undermentioned Item (b), Application No. 08/00544/FPA and remained in the Meeting during consideration thereof.

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by D Brown, D Hird and R Young – Site at 2, 3 and 4 Auton Close, Bearpark, Durham, DH7 7BJ
 - (ii) Appeal by C Moulden – Site at land at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
 - (iii) Appeal by G Maw – Site at Coalford Lane Farm, Littleton, Durham, DH6 1RD
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications – Determined under Plenary Powers

Resolved: That the reports be noted.

- (1) - Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matters to be approved.
- (2) - Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development other than the decontamination of the site is commenced.
- (3) - No development shall commence until a scheme for the decontamination of the application site has been agreed in writing with the Local Planning Authority and completed in accordance with that agreement. The scheme will take the form of a site investigation, and a decontamination method statement, and upon completion will be documented by a validation statement.
- (4) - No development other than decontamination shall be carried out until a scheme for the provision of affordable housing, as defined within PPS3 and in accordance with City of Durham Local Plan 2004 Policy H12, has been agreed in writing with the Local Planning Authority. Any variation from the 30% affordable housing provision identified by the Draft Supplementary Planning Guidance associated with H12 will require full justification. Subsequently, affordable housing shall be provided in full accordance with the agreed scheme.
- (5) - No development other than decontamination shall commence until a scheme for the delivery of a “percentage for art”, in accordance with the objectives and provisions of the City of Durham Local Plan 2004 Policy Q15 and Supplementary Planning Document – “Provision of public art as part of major new development schemes” (August, 2006), has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be carried out in accordance with a timescale that will form part of the aforementioned agreement.
- (6) - No development shall commence, other than decontamination, until a scheme for

- the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- (7) - No development shall commence, other than decontamination, until a scheme for the expansion of the Bowburn Sewage Works has been undertaken by Northumbrian Water. A scheme for the provision of foul water drainage works must be submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied on site until the increased capacity at the sewage treatment works and, if required, the sewerage network have been increased and commissioned in accordance with the agreed scheme.
- (8) - The recommendations of the submitted ecological report will be implemented in full.
- (9) - The housing element of any development approved in detail shall include a level of informal play space and amenity space in accordance with City of Durham Local Plan Policy R2.
- (10) - An ambitious but viable percentage of the site's energy requirements shall be delivered from renewable sources, to be agreed in writing with the Local Planning Authority.
- (11) - A scheme for the visual enhancement of the proposed access road entrance, to the east of its junction with Commercial Road West, shall be agreed in writing with the Local Planning Authority, and thereafter implemented in full accordance with that agreement.
- (12) - A scheme for the surfacing of the access road to Basic Cottages, and an implementation timetable, shall be agreed in writing with the Local Planning Authority, subject to the full agreement of relevant landowners. That scheme shall subsequently be implemented in full accordance with that agreement.
- (13) - 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 becoming severely 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.
- (14) - A scheme for the provision of a landscape buffer between the proposed housing and Coxhoe Paving shall be agreed in writing with the Local Planning Authority. Subsequently, the agreed scheme shall be implemented in full accordance with that agreement prior to the occupation of the first house.

Note: Councillors Cowper and Kellett left the Meeting at 7.15 p.m.

(b) 08/00337/FPA
Standard Life
Investments

**Unit A Dragon Lane Retail Park, Dragon Lane/
Damson Way, Durham
Health and fitness centre with associated retail use**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - The retail floorspace hereby approved shall be used for the sale of sports equipment and related goods only, and shall not exceed 1393m². The approved development shall not be subsequently subdivided or altered to create further units of less than 750m² and no further internal floor space shall be created.
- (4) - The retail unit hereby permitted shall not be open for trading outside 0800 to 2000 hours Mondays to Saturdays, or 1000 to 1700 hours Sundays and Bank Holidays.
- (5) - No demolition or construction shall take place outside 0800 to 1800 hours Mondays to Fridays or 0800 to 1200 hours on Saturdays. No work shall be carried out on Sundays or Bank Holidays.
- (6) - Prior to the commencement of any development, details of construction or alteration of the following junctions shall be submitted to and approved in writing by the Local Planning Authority, and thereafter completed in accordance with the approved details:
- (a) Dragon Lane/Front Street

- (b) Dragon Lane/site access
- (c) Dragon Lane/Damson Way/Tesco access
- (d) Dragon Lane/Sunderland Road

Neither the health and fitness centre nor the associated retail unit shall open for trading until the works have been implemented in accordance with the agreed details.

- (7) - The retail park management company or the occupants of the first unit open for trading shall submit to the Local Planning Authority a Staff Travel Plan. The use hereby permitted shall cease unless the Staff Travel Plan is approved in writing by the Local Planning Authority within three months of the unit opening, or within such other period as may be approved by in writing by the Local Planning Authority. Trading by any subsequent occupiers shall cease unless within three months of the start of trading by that subsequent occupier, or within such other period as may be approved in writing by the Local Planning Authority, the subsequent occupier becomes a formal party to the Staff Travel Plan, or such alternative Staff Travel Plan as shall comply with the terms of this condition. The Staff Travel Plan shall deal with the following key issues:

- (a) Appointment of a Travel Plan Co-ordinator and notification in writing to the Local Planning Authority of the name of the holder of that post.
- (b) Completion of an up-to-date employee travel survey.
- (c) Provision of public transport routes, timetables and fare information to be updated regularly.
- (d) Provision of a car-sharing scheme and encouragement of participation including arrangements to facilitate alternative transport, in an emergency, for car sharers.
- (e) The provision of targets for the reduction of single-occupied car journeys and for increased use of shared cars, cycles and public transport.

The Staff Travel Plan shall be monitored by the Staff Travel Co-ordinator who shall provide the Local Planning Authority with an annual report on all the above measures and progress towards meeting Staff Travel Plan targets.

Note: Councillor Lodge left the Meeting at 7.25 p.m.

(c) 08/00485/FPA
F Da Silva

**Greyhound Inn, Woodland Crescent, Kelloe, Durham,
DH6 4LU
Demolition of existing public house and erection of
7no. dwellings with associated access, parking and
landscaping**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of the materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority before development commences. Development shall thereafter be implemented in accordance with the approved scheme.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
- (6) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 75mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
- (7) - Before development is commenced details

of all flues, vents and extracts shall be submitted, to and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.

- (d) **08/00502/FPA
Brett Bros Developments** **Middlewood House, Middlewood, Ushaw Moor, Durham, DH7 7RB
Erection of 19 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping**

ITEM WITHDRAWN

- (e) **08/00523/FPA
P Bracewell** **Fernhill, Crossgate Moor, Durham, DH1 4JZ
Proposed demolition of existing lodge and erection of replacement together with an additional 12no. two storey detached dwellings with associated garaging, parking, access and landscaping**

ITEM WITHDRAWN

- (f) **08/00585/FPA
08/00587/CAC
D Franks** **Magdalene Heights, Gilesgate, Durham, DH1 1SY
Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10no. apartments with associated access, parking and landscaping**

ITEM WITHDRAWN

- (g) **08/00619/FPA
08/00620/CAC
Adamson Developments
(Durham) Ltd** **Former Builders Yard, John Street, Durham
Demolition of existing building and erection of 22no. apartments with associated basement parking**

Resolved: (i) That application no. 08/00619/FPA be **APPROVED** subject to the following conditions:-

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Before the development hereby approved is commenced a sample panel of the proposed wall materials shall be erected on the site to include examples of all materials to be used, including mortars, its exposed finish, the coursing or bonding to be used, and the style of the pointing of the

- finished wall. The proposed panel shall be made available for inspection by the Local Planning Authority and the development shall not be commenced until the said materials have been approved in writing by the Local Planning Authority.
- (4) - Details of any new fences, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved in writing by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved scheme.
- (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all pedestrian and vehicle hardsurfaced 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) - That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. This must include particular construction and elevational details of the proposed dormer windows.
- (7) - Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 150mm 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.
- (8) - Notwithstanding the information shown on the submitted plans the precise design of the roof including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, (vii) guttering, and (viii) cornice details 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.
- (9) - Notwithstanding the information shown on the submitted plans a parapet wall detail shall be provided to the roof of the building in a form to be submitted to and agreed in

- writing with the Local Planning Authority before the development commences.
- (10) - Notwithstanding the information shown on the submitted application details of all external lighting, including type, provision, size, elevation and level of illumination shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (11) - Before development is commenced details of all flues, vents and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority.
- (12) - No development shall take place until a scheme for the upgrading of the two unmade, unadopted footpaths outside, but immediately adjacent to the site, has been approved in writing by the Council. The scheme will cover the standard of finish and timescale within the works are to be carried out. Thereafter the approved scheme shall be fully implemented unless otherwise agreed in writing by the Council.
- (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, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail and implementation of either an installation of public art or incorporation of artistic elements into the design of buildings, open spaces, or functional elements of the scheme to a value equal to 1% of the construction cost of the capital project.
- (14) - The development shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a legal agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.

- (15) - 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.
- (16) - Before development commences agreement in writing must be reached on a scheme of construction working hours for the site, specifying start and finish times on weekdays, weekends, and public holidays, with no works or building operations to be carried out outside the agreed times, unless with further written agreement from the Local Planning Authority.

(ii) That application no. 08/00620/CAC be **APPROVED** subject to the following condition:-

- The development to which this permission relates shall be begun not later than three years from the date of this permission.

Note: *Councillor Martin left the Meeting at 7.50 p.m.*

(h) **08/00630/FPA**
Hope Estates Ltd

33 Whinney Hill, Durham, DH1 3BD
Retention of as built two storey pitched roof extension to side and rear of existing dwelling

Resolved: (i) That the application be **REFUSED** for the following reasons:-

- (1) The Local Planning Authority considers that by virtue of the scale of the extension, lack of symmetry of window openings and an inappropriate brick material match, the proposals fail to preserve and enhance the character and appearance of the Durham City Centre Conservation Area, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004.
- (2) The Local Planning Authority considers that as a result of the scale of the side extension and its proximity to adjoining properties, it would have an overbearing and adverse impact upon the amenity of neighbouring properties, contrary to Policies Q8 and Q9 of the City of Durham Local Plan 2004.
- (3) The Local Planning Authority considers that the proposed level of occupancy is excessive and detrimental to the maintenance of balanced and sustainable communities contrary to Policy H9 of the City of Durham Local Plan 2004.
- (4) The Local Planning Authority considers that as a result of only 1no. in curtilage parking space being provided and the proposed occupancy levels of the property, the development is likely to lead to an increased demand for on-street car

parking in Whinney Hill where on-street parking is at a premium, and conditions detrimental to highway safety contrary to Policy T1 of the City of Durham Local Plan 2004.

- (ii) That Officers be authorised to take enforcement action in relation to the breach of Planning Control that has occurred.

Note: *Councillor van Zwanenberg left the Meeting at 8.30 p.m.*

(i) **08/00662/FPA**
Lidl UK

Lidl Foodstore, Arnison Centre, Durham, DH1 5GB
Extension to existing retail store and associated alterations (revised and resubmitted)

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 of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - Before 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 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 good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
- (4) - 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 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.

- (5) - 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.
- (6) - Construction operating hours shall be confined between 8.00 a.m. and 6.00 p.m. Monday to Friday, and 9.00 a.m. to 2.00 p.m. Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.
- (7) - Details of an acoustic screen to protect those living closeby from waste compactor unit noise shall be agreed in writing with the Local Planning Authority. The agreed screen shall be in place prior to the approved store extensions being operational.
- (8) - Details of security fencing and gating relating to the proposed path between the Land Registry and store car park shall be agreed in writing with the Local Planning Authority. Such fencing and gating shall be erected in full accordance with that agreement prior to the approved extension becoming operational.

The Meeting terminated at 8.40 p.m.

Chair

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

8 October 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 G Maw
Site at Coalford Lane, Littletown, Durham
2. **Planning Applications – Determined under Plenary Powers**
3. **Building Control Applications – Determined under Plenary Powers**
4. **Decisions made by the County Council**

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|----------------------|--|
| Applicant No: | CM4/08/636 |
| Applicant: | Northumbrian Water Ltd |
| Location: | White House Farm, Pit House Lane, Leamside, Houghton Le Spring, Tyne And Wear, DH4 6QJ |
| Proposal: | Proposed provision of 3 no. access tracks to provide maintenance access |

The above application was considered by the City Council under delegated powers on 29 July 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.

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| Applicant No: | CM4/08/0057 |
| Applicant: | Van Dalen UK Ltd |
| Location: | Unit N1, Tursdale Business Park, Tursdale, Durham, DH6 5PG |
| Proposal: | Provision of metal recycling and end of life vehicle facility |

The above application was considered by the City Council under delegated powers on 20 February 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 |
|-----------------------------|-----------------|-----------------|-----------------------|
|-----------------------------|-----------------|-----------------|-----------------------|

ITEM 1

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|--|---|---|----------------|
| 08/0256/FPA & 08/0257/CAC Mr M Toyne | 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 site and change of use and conversion of main building block together with extensions and alterations (re-submission) | Approve |
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ITEM 2

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| 08/00640/OUT New College Durham | New College Durham Framwellgate Moor Campus Durham DH1 5ES | Outline application including details of access, layout and scale for the erection of 1 no. three storey building to provide additional teaching facilities, cafe and crèche (amended description) | Approve |
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ITEM 3

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| 08/00651/FPA Mr And Mrs Bainbridge | The Old Goods Yard Commercial Road West Coxhoe Durham DH6 4HJ | Erection of a two storey pitched roof block containing 6 no. residential apartments | Refuse |
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ITEM 4

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|-------------------------------|--|--------------------------------------|---------------|
| 08/00746/FPA Mr T Macallan | 7 Warwickshire Drive Durham DH1 2LU | Erection of one detached bungalow | Refuse |
|-------------------------------|--|--------------------------------------|---------------|

ITEM 5

| | | | |
|--|--|---|----------------|
| 08/00757/FPA Brett Brothers Developments | Land Between 7 And 9 Middlewood Ushaw Moor Durham | Erection of 6 no. apartments in two storey block with accommodation in roofspace with associated parking and access (amended description) | Approve |
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ITEM 6

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|---|---|--|----------------|
| 08/0758/FPA & 08/0759/LB Mr D Crozier | Former United Reformed Church Claypath Durham DH1 1RH | Change of use to restaurant (revised and resubmitted) | Approve |
|---|---|--|----------------|

ITEM 1

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

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 are presented here; for planning permission and conservation consent. They propose 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 propose a scheme of 5 no. 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 propose minimal overlap into the countryside (Flass Vale) 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. This application has been withdrawn from a previous agenda of this committee, with a request for additional information and clarity in areas particularly relating to implications to trees and the degree of intrusion into the slope.

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

Planning Policy 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 requires local planning authorities to 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, refers to 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) 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 E1 (Durham City Green Belt) reflects national advice in PPG2 and outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

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

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 E18 (Sites of Nature Conservation Importance) seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research

Policy E19 (Wildlife Corridors) sets out criteria for ensuring that key habitats maintain their quality and range of species, and the council will seek to ensure that the integrity of wildlife corridors and the type of species are taken into account.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. 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 E25 (Nevilles Cross Battlefield) protects the Neville's Cross Battlefield site from inappropriate development.

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

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

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

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

Policy U13 (Development on unstable land) – 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.

RESULTS OF CONSULATION 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 considers 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

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 5 no. 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 clarity and 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. The degree of intrusion and potential effect on trees has been reduced by deletion of a rear off-shoot, and small amendments to the extent of the patio areas.

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

The applicant has sought to address concern raised by Conservation Officers at the detail provided with the application and to the effect on levels in relation to these structures, and the degree of cut or fill involved. Additional sections, an estimation of the effects into the slope, and an axonometric drawing of the new structure adjacent the informal footpath through the Vale, have been provided. 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. Access to the slope for these engineering works is to be through the demolished garages in the centre of the site, and the use of small scale specialist mini-piling rigs and the like. A condition is proposed that seeks to address and give the Council an appropriate degree of control over this matter. The proposed patio areas will be cantilevered from the rear of the building and will sit on or be cut into the slope. These structures will be attached to the building and cantilevered rather than requiring foundations in their own right and a series of sections have been provided to detail their relationship to the slope, along with the implications for the structural integrity and need for retaining structures. Advice in PPG14 (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 for 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, however, 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. Due consideration is given to this view but also to the fact that any retention of the existing buildings for beneficial use will necessitate engineering operations and associated tree loss. It is important, therefore, to make a balanced judgement about the overall losses and gains relating to elements of the built and natural environment. Furthermore, 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's components that lie outside the settlement boundary. It is acknowledged that this overlap does, in principle, raise some conflict with the Green Belt, Countryside, Browney Valley and landscape protection (AHLV) policies. The actual degree and context of the overlap is, however, 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. Officers and the developer envisage a substantial planting scheme for the slope behind the development, intended not just to mitigate, but in time to provide tangible improvement to this edge of Flass Vale.

CONCLUSION

In conclusion and on balance it is considered that the scheme merits officer support. The quality of architectural approach and the retention of the main elements of this interesting complex of buildings are achieved in a manner appropriate to the Conservation Area setting, whilst providing 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; notably the advantages of retaining and incorporating existing townscape features. 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 that have necessarily involved referral to statutory consultees have been addressed with adequate sensitivity. A lengthy schedule of conditions reflects the complexity and sensitivity of this development site in the event that consent is 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. Before development of the site, or any clearance of land or buildings a scheme of working methods, site inspection and best practice, covering all aspects of tree works, above and below ground must be submitted to, and agreed in writing by the Local Planning Authority, with all subsequent works adhering to said document.
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, the development being subsequently carried out in accordance with said agreement.
16. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a detailed scheme showing the finished levels, ground restoration, retained and additional landscaping, materials finishes of all external surfaces, window and screen treatments to the new-build element at the southern end of the site have been submitted to, and approved in writing by the Local Planning Authority, all works being wholly in accordance with said approval.
17. That notwithstanding the information shown on the submitted plans precise details of all patio, balconies, fencing, railings and external lighting to private residential areas within the approved scheme, have been submitted to, and approved in writing by the Local Planning Authority, all works being wholly in accordance with said approval.

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

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

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

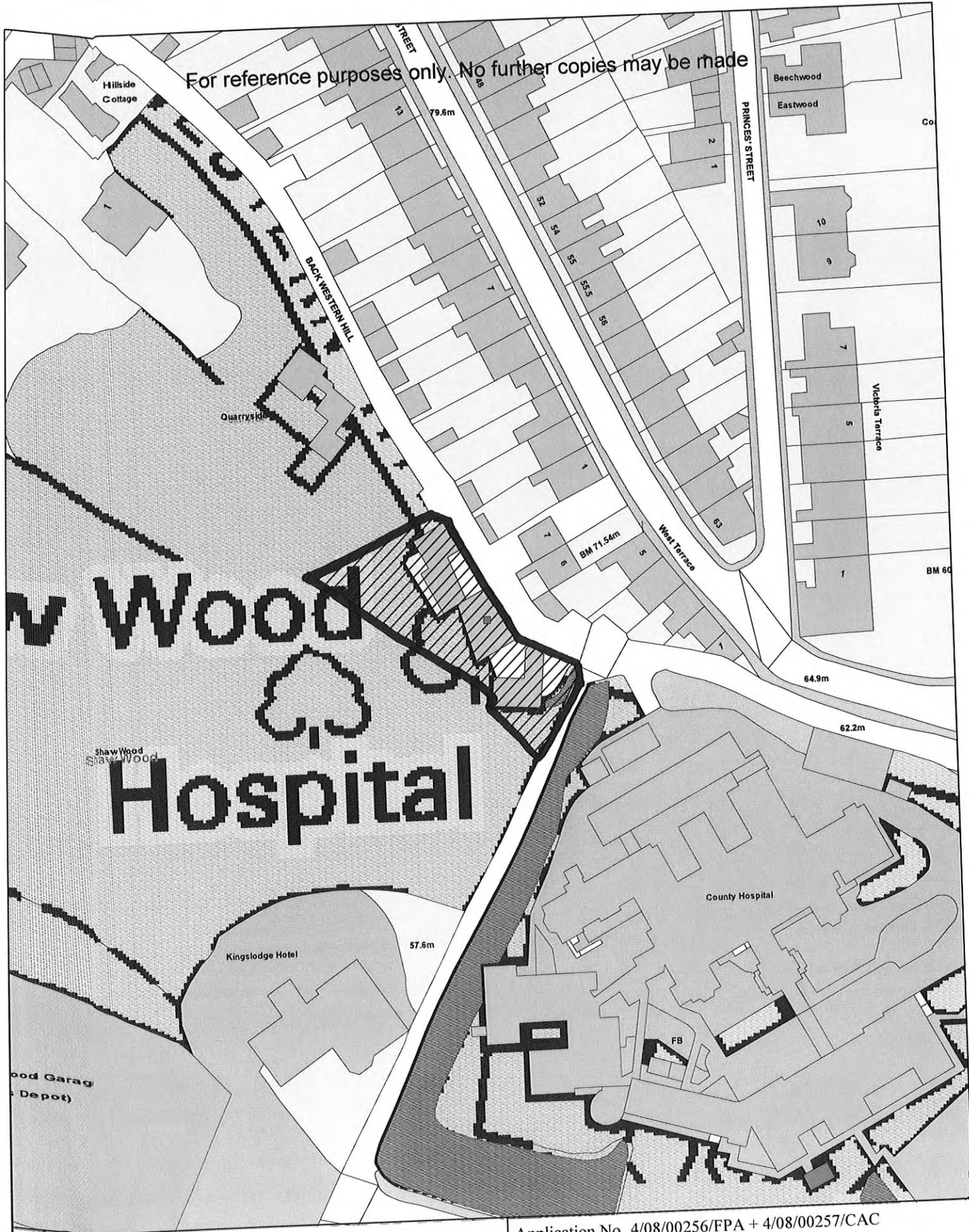
City of Durham Local Plan 2004

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

For reference purposes only. No further copies may be made



Planning Services

Application No. 4/08/00256/FPA + 4/08/00257/CAC

R W D Motor Body Repairers, Back Western Hill,
Durham

Comments

Date

26 September 2008

Scale

1:1000

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ITEM 2

| | |
|---------------------------|---|
| 08/00640/OUT | New College Durham, Framwellgate Moor Campus, Durham, DH1 5ES |
| New College Durham | Outline application including details of access, layout and scale for the erection of 1 no. three storey building to provide additional teaching facilities, cafe and crèche (amended description) |

SITE AND APPLICATION DESCRIPTION

In order to establish the acceptability in principle of a new educational building on the New College Durham Framwellgate Moor campus, an outline planning application has been submitted. This submission includes details of access, siting and scale, but reserves details of appearance and landscaping which would be the subject of a later submission.

The site chosen is at the southern edge of the campus on land that is currently mainly open and grassed, and includes mounding and mature trees along its south eastern and south western edges. An electricity substation is sunk into the slope of this land towards its western edge, whilst a children’s nursery is accommodated within a prefabricated building at the eastern end of the site.

To the north lies campus car parking then educational buildings, while to the south runs Sacriston Road with residential properties in Westcott Drive beyond. To the east is a secondary access road to the college with playing fields and residential properties in St Cuthbert’s Avenue beyond, while to the west is the main vehicular access to the campus.

The college wishes to build a predominately two storey building that would curve from the south western corner of the site in an arc towards the north east.

Set into the slope of the land against existing mounding, the building would present a two storey facade when viewed from the south, and three storeys when seen from the north and south east. This comes about as a result of the building being “floated” across the top of the existing substation and set into the northern slope of the mounding, with a central void occurring where the structure spans a gap in that mounding. Hence from the north the lower storey of the building, including incorporated substation, would be hidden.

The aforementioned ground floor would comprise substation, plant room, central void, crèche, a café and atrium, and podiatry (where chiropody would be taught). Within the first and second floors would be teaching and administration functions.

This application is supported by a comprehensive site analysis, layout and massing drawings, and a design and access statement containing reasons for the choice of site and need for the building, together with reports concerning acoustics, flood risk and surface water drainage, site condition, transport statement, a sustainable energy statement, and an ecological assessment.

RELEVANT HISTORY

The Framwellgate Moor New College site was comprehensively redeveloped in 2005. The highly contemporary and most distinctive buildings were designed by the same architects now responsible for this latest proposal's design.

A nursery is currently housed in a temporary building on part of the application site, planning permission for which was granted in 2005.

Planning permission was granted for the development of this site for a corporate entertainment and catering teaching facility in 2002, which has subsequently expired without the development having taken place.

POLICIES

NATIONAL POLICIES

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

The Statement requires that high quality development be delivered through good and inclusive design. Development is also required to support existing communities offering good access to jobs and key services.

Planning Policy Guidance Note 13: Transport establishes that transport 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.

REGIONAL POLICIES

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

Policies Q1 and Q2 (General Principles 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 T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety 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 H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

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.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority raises no objections to this proposal, considering the additional traffic generated by this development unlikely to go beyond what was originally predicted by the Transport Assessment submitted as part of the planning application for the 2005 redevelopment of New College. Furthermore, improvements carried out to the local highway infrastructure as part of that development were designed to take into account those predicted traffic increases.

The proposed car parking provision is almost identical to what exists at present, therefore the facilities for car borne travel will not be enhanced, discouraging an over reliance on the private car. However, it is not considered that this will result in on street parking.

Natural England has studied the submitted ecological report and concludes that it is unlikely this proposal will have any adverse effect upon species especially protected by law.

INTERNAL RESPONSES

The City Council's Heritage and Design Manager considers the proposed layout and massing of this proposal to respond well to the site's location and characteristics. The curved nature of the building is thought to be potentially both visually and architecturally interesting.

Provided that important existing trees are retained and enhanced where necessary, and that full details of elevational treatment, materials, landscaping and lighting are provided in due course, no objections are raised to this proposal.

PUBLIC RESPONSES

The City of Durham Trust has expressed concern regarding the potentially overassertive nature of what is proposed, considering the architectural approach adopted on the rest of the campus to be inappropriate closer to private housing.

Letters of objection have been received from 8 residents from Wescott Drive, 2 residents of St Cuthbert's Avenue, and from a Durham Moor resident. In addition, a petition against the approval of this application containing 98 signatures has been received.

A wide range of issues has been raised, but the key concerns appear to be the scale of the proposal and its relationship with those living close by, the additional traffic that will result, the building's high degree of visibility from outside the site, the detached nature of the proposed building relative to the remainder of the college and a resulting need for students to cross a large expanse of car park to access it, college student behaviour, and potential aromas from the proposed café.

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

PLANNING CONSIDERATIONS

The acceptability or otherwise of this proposal turns upon the appropriateness of the land use, acceptability of layout and scale, resulting impact on the levels of residential amenity those living close by can reasonably expect to enjoy, and its implications for matters relating to highway safety, when measured against the relevant planning policies.

The application site lies within a well established further education campus, and the success of its recent comprehensive redevelopment has encouraged the provision of further facilities. These facilities are well designed and accord with the principles of Government policy as set out in Planning Policy Statements/Guidance.

An objective of the adopted Local Plan is support for the development needs of Durham University and other centres of higher and further education provided that it is in a manner which respects the character and environmental sensitivity of the part of Durham in which they are located (Chapter 10 Community Facilities Paragraph 10.13). Accordingly, I consider the principle of the proposed land use to be appropriate.

However, potential impact upon those living nearby is critical.

Where the proposed building fronts onto Sacriston Road it will appear as two storey, as the additional and lower storey would be hidden by the contours of the site. The distance between the building and the nearest house window in Westcott Drive would be approximately 55 metres. Therefore, even allowing for the fact that the dwelling in question is a bungalow, I am not persuaded that residential amenity will be diminished. There is no doubt that Westcott Drive residents will be aware of the new building, but it will be curving away from them to the north east, with tree screening in front of it. Furthermore, although elevation details have yet to be finalised, most windows will be on the northern elevation facing into the campus.

The relationship between the proposed building and St Cuthbert's Avenue is less direct. However, once again the distance between the nearest domestic window and the proposal is approximately 55 metres. I accept that the building will be clearly seen from these properties, but their main prospect would remain across open playing fields immediately to the north.

In my view there is a clear difference being aware of a building and being overshadowed by it to an unacceptable degree. The building would stand to the north of Westcott Drive and to the north west of St Cuthbert's Avenue. As the sun rises in the east, moves to the south before reaching full height, then sets in the west, it must follow that a new building to the north cannot adversely impact on sunlight reaching any of these neighbouring homes.

The applicants have supplied ample evidence of having taken such matters fully into account, and I have reached the conclusion that their approach to the development of this site is the correct one.

Other sites were considered within the campus, but were dismissed. Such alternatives would have resulted in a loss of playing fields, a significant reduction in parking provision or the compromising of the distinctive architecture of the remainder of the campus. Furthermore, the applicants argue that planning permission was given relatively recently for the development of the application site, despite it having now lapsed.

The County Highway Authority has taken the view that traffic levels anticipated to be generated by this proposal can be safely accommodated by the existing, and recently improved, local road network, as will the proposed parking provision. I am aware that those living in the area may not agree, but theirs is a perceptual view rather than one based upon professional analysis; therefore I must give appropriate weight to the Highway Authority's objective assessment of this proposal.

Issues relating to student behaviour, and more specifically to the dropping of litter in local streets and gardens, is a matter that I have brought to the college's attention. CCTV is operating on the campus, and action will be taken against anyone seen carrying out such acts. Off site supervision is more difficult, but again the college principal has stated that action will be taken against any student observed to be acting in this way.

I have taken into account all other material issues, including the criticism that students may have to walk some distance between the proposed and existing facilities, but I remain of the conclusion that the principle of such development is acceptable on the site chosen subject to appropriate planning conditions.

CONCLUSION

Since its recent comprehensive redevelopment New College has proved to be a most successful and popular centre for further and higher education, and a considerable asset to the City.

Whilst it is understandable that some local residents will have concerns about the further development of the campus, in my judgement the overall benefits to the community outweigh these.

Inevitably, where large groups of young people come together, there will be incidents of anti social behaviour, but it is not the role of the planning system to resist otherwise acceptable development on such grounds. Driving offences are matters for the police, and other acts of bad behaviour must be addressed by the college, which the principal has undertaken to do.

Based upon the material submitted so far I am satisfied that, in terms of siting and scale this is an acceptable proposal, whilst the use of the existing main campus access has been agreed by the Highway Authority. A further application will of course be necessary in regard to appearance and landscaping.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Prior to development commencing, details of a lighting strategy that addresses both external lighting and lightspill from internal lighting shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that strategy shall be adhered to at all times unless varied in writing with the Local Planning Authority.
3. No development other than decontamination shall commence until a scheme for the delivery of a "percentage for art", in accordance with the objectives and provisions of City of Durham Local Plan 2004 Policy Q15 and Supplementary Planning Document - "Provision of Public Art as part of Major New development Schemes" (August 2006), has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be carried out in accordance with a timescale that will form part of the aforementioned agreement.
4. 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.
5. 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.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statement 1 and Planning Policy Guidance note 13

The North East of England Plan - Regional Spatial Strategy to 2021

City of Durham Local Plan 2004

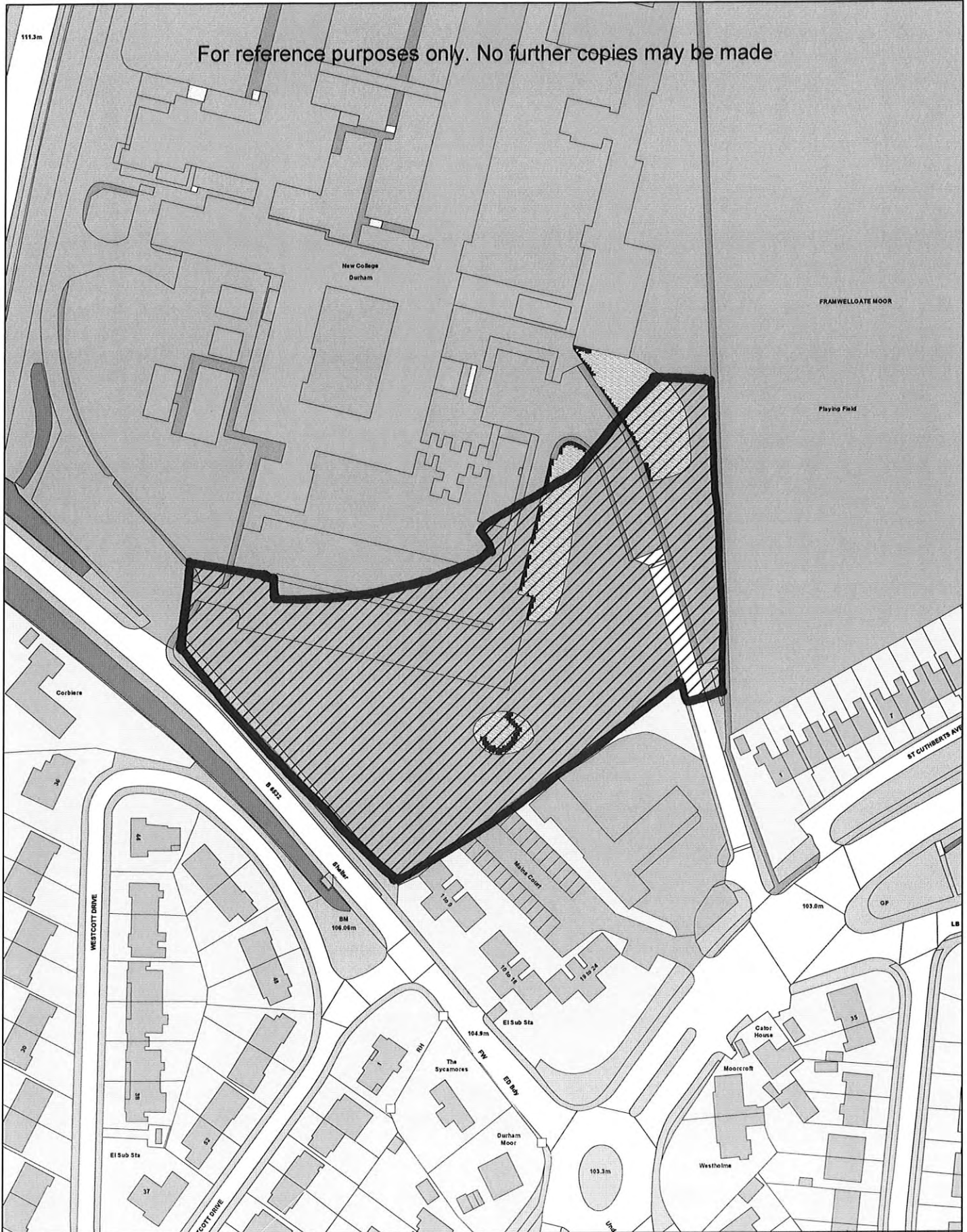
Response from County Highway Authority and Northumbrian Water Limited Natural England and Heritage and Design Manager

Response from City of Durham Trust

Various File Notes and Correspondence

111.3m

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00640/OUT

New College Durham, Framwellgate Moor
Campus

Comments

Date

26 September 2008

Scale

1:1456

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ITEM 3

| | |
|------------------------------|--|
| 08/00651/FPA | The Old Goods Yard, Commercial Road West, Coxhoe, Durham, DH6 4HJ |
| Mr And Mrs Bainbridge | Erection of a two storey pitched roof block containing 6 no. residential apartments |

SITE AND APPLICATION DESCRIPTION

The application site comprises an area of land adjacent to a former railway, off the B6291 through Coxhoe. The land is currently occupied by a building, used as a window/conservatory fabrication place with sales area. Within the site there is a small area of hardstanding used to park cars and there is a vehicular access to the properties to the north, including Willow Cottages and The Willows Farm. The surrounding area is a mix of residential dwellings and commercial properties, notably a day nursery to the east. In planning terms, the site is largely within the settlement limits of Coxhoe as the boundary runs along the west elevation of the building.

Planning permission is sought to demolish the existing building and erect a two storey building which would comprise of six apartments, all of which would have two bedrooms. Externally, there would be seven parking spaces (one disabled) to the sides of the building, while to the front and rear would be landscaped communal spaces. The building would be constructed of brick and slate and its style has been designed to have regard to the former railway uses which once occupied the site.

RELEVANT HISTORY

In October 2005, outline planning permission (05/00772) with all matters reserved, was granted for the redevelopment of the site for residential use. This application is not seeking reserved matters approval pursuant to that now expired consent.

POLICIES***NATIONAL POLICIES***

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

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

Planning Policy 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.

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

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

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

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

Policy T19 (Cycling) seeks to ensure the development of safe and attractive cycle routes throughout the District.

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

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

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

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

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.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The county Highway Authority strongly oppose the development, considering that the development would not be provided with an adequate access of adoptable standards, while the level of occupancy would lead to increased maintenance difficulties and introduce road safety hazards to all residents. In addition, they consider that the layout of the development is unsuitable due to inadequate car parking facilities and access details.

Northumbrian Water Limited has raised no objections to the scheme.

PUBLIC RESPONSES

There have been two letters of objection to the scheme.

The occupiers of The Willows Farm have raised concerns in relation to the use of the access and that it would exacerbate existing problems and that parking would be insufficient. On a similar note, the occupiers of The Tarka Centre are concerned that existing parking and access problems will be exacerbated and that additional traffic and parking demands will compromise the safety of parents and children using the day nursery within The Tarka centre.

Coxhoe Parish Council has not specifically stated an objection to the scheme, but have expressed their disappointments in terms of the overall design and that it has not had sufficient regard to the former railway activities. Moreover, they consider that a well-designed scheme would have significant regeneration benefit for the whole 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

PLANNING CONSIDERATIONS

The main issues concern the principle of development and whether there would be harm to highway safety or visual/residential amenity.

The settlement boundary for Coxhoe runs along the western elevation of the existing building, such that it and most of the site are within the settlement boundary. The proposed building is to be sited some 2.5m further west and as such a 58 m² area of the building would be located, for planning purposes, outside of the settlement limits of Coxhoe, together with elements of the parking provision and associated amenity space. Policy E7 of the Local Plan states that new development outside existing settlement boundaries will not normally be permitted, and only where it accords with certain other policies. A form of development could be achieved on the site which would not involve the building being located outside the settlement boundary, and therefore wholly on previously-developed land. The latter would accord with Policy H3 of the Local Plan and would amount to a far smaller scale of development. Therefore, by virtue of a significant proportion of the proposed development

being outside of the settlement limits of Coxhoe and without justification, the principle of development is considered to be unacceptable and in conflict with Policy E7.

The design approach has been one which has had regard to the former use of the site in connection with the railway, and this has dictated the overall scale and to a degree the design detailing. In design terms of the scheme is not without merit having regard to the former use of the site. However, a large building, being some 23m in length and at two storeys in height compared to the single storey building is proposed. The siting of the building is such that it leaves limited space for the parking of vehicles or for amenity space for occupiers of the proposed apartments, this being notwithstanding the encroachment of the building into the countryside in any case. Officers have encouraged a design approach to reflect its railway history but there are, however, a number of the specific details, such as the entrances to the east elevation and the fenestration pattern, which neither sits comfortably with the appearance of a railway goods shed or which have any form of coherence. Coxhoe Parish Council has expressed concerns that the approach has not faithfully followed the site's history and former railway uses and these are, to an extent, substantiated. PPS1 identifies design as one of three key aims that underpin the Government's approach to the planning system. PPS1 stresses the importance of good design which should contribute positively to making places better for people. Paragraph 34 advises that, 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'. In these circumstances, therefore, it is considered that the proposed building by virtue of its scale, form and density would not be appropriate to the character of the area, contrary to Policy Q8 of the Local Plan.

The proposals, by virtue of their detached nature, would not have an adverse affect upon the amenity of surrounding residents, and in this respect, the proposals are fully compliant with Policy Q8 of the Local Plan.

Turning now to highway safety considerations, it is noted that the site would retain access for occupiers of Willow Cottages and The Willows Farm to west of the site and would not interfere with access to the south. Access would, however, be provided adjacent to the Tarka Centre. The Tarka Centre is occupied by a day nursery, and they are concerned that insufficient parking within the scheme would result in demand for spaces owner by and for use by the Tarka Centre, and that the additional vehicles from six extra properties would adversely affect highway safety. The County Highway Authority share these concerns to an extent, and have objected strongly to the scheme. They consider that the development would not be provided with an adequate access of adoptable standards, while the level of occupancy would lead to increased maintenance difficulties and introduce road safety hazards to all residents. In addition, they also consider that the layout of the development is unsuitable due to inadequate car parking facilities and access details. Whilst the applicants agent has sought to address these concerns, fundamentally, the number of units and additional demand for the access would lead to conditions prejudicial to highway safety, particularly given that the Tarka Centre is occupied by a day nursery. Accordingly there would be insufficient parking spaces within the scheme to adequately serve the number of units. For these reason, the scheme is considered to be contrary to Policies T1 and T10 of the Local Plan.

Contrary to the submitted information with the application, the western and southern boundaries of the site are densely planted by a number of trees and hedgerows, and as such, a tree survey is required, not only to determine their health, but to ensure that important landscaped features like this are retained as part of the development and how they would be protected during construction. Policy E14 specifically requires that such a survey is required in support of applications where trees and hedgerows are on or adjacent the development site. Policy Q8 furthermore seeks to ensure that features of interest are retained. The proposals are therefore considered to be contrary to Policies E14 and Q8 of the Local Plan.

CONCLUSION

In conclusion, it is considered that the scheme is unacceptable in principle, by virtue of a significant level of encroachment into the countryside. The scale, form and density are, in addition, inappropriate to the site and its surroundings. The development would prejudice highway safety, have insufficient parking and would fail to have regard to the retention of trees and hedgerows which are important site features. Consequently, I am unable to support the application.

RECOMMENDATION

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

1. The Local Planning Authority considers that the proposed scheme would represent a partial encroachment into the countryside where new development of this nature is considered to be unacceptable and contrary to Policy E7 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the proposed scheme by virtue of its large scale, inappropriate design form and high density would be inappropriate to the character of both the area and the site, contrary to Policy Q8 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the scheme would not be served by a suitable access and that the number of vehicular movements associated with the development would lead to conditions prejudicial to highway safety for surrounding residents and that there would be insufficient parking within the scheme leading to vehicular conflicts around the site. This is contrary to Policies T1 and T10 of the City of Durham Local Plan 2004.
4. The Local Planning Authority considers that the scheme has failed to have regard to the retention of trees and hedgerows around the southern and western boundaries of the site and which are important visual features which should be retained. Without justification or an adequate tree survey in support of the scheme, it is considered to be contrary to Policies E14 and Q8 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

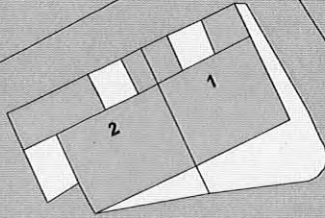
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Planning Policy Statements 1, 3 and 7
The North East of England Plan - Regional Spatial Strategy to 2021
City of Durham Local Plan 2004
Response from County Highway Authority and Northumbrian Water Limited
Public Consultation Responses
Various File Notes and Correspondence

For reference purposes only. No further copies may be made

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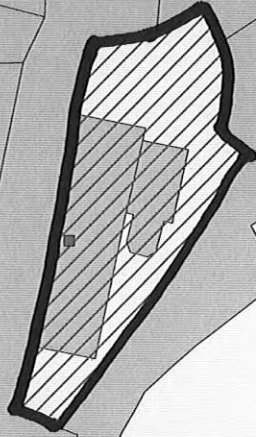
El
Sub
Sta

Willow
Cottages



The
Tarka
Centre

Allotment Gardens



Commercial Road East

16

20

Commercial
Road West

4

2

1a

1a

West Parade

3

10

Grange
Farm

1



City of
Durham

Planning Services

Application No. 4/08/00651/FPA

The Old Goods Yard, Commercial Road West,
Coxhoe

Comments

Date

26 September 2008

Scale

1:750

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ITEM 4

| | |
|----------------------|--|
| 08/00746/FPA | 7 Warwickshire Drive, Durham, DH1 2LU |
| Mr T Macallan | Erection of one detached bungalow |

SITE AND APPLICATION DESCRIPTION

This application proposes the erection of a single detached bungalow on a site at the head of a cul-de-sac in Belmont. Whilst this is a submission on a site with much recent history, the application is submitted by a new applicant, a local resident to the site.

The existing building at 7 Warwickshire Drive is a bungalow of 1960's design, set within a very large garden at the head of a cul-de-sac of nine bungalows. Due to its position on the hammerhead of the road, the property is set back behind the adjacent properties, being screened to a degree on the approach to the site. The site is bounded on two sides by a tall conifer hedge that has been of source of neighbour dispute in the past. Whilst there are a number of trees on and around the site of a domestic garden proportion, none are of a scale or in a position that would justify a preservation order. The site is backed on two sides by the two storey, predominantly detached houses of Devonshire Road and Shropshire Drive.

The application proposes the demolition of the existing bungalow and replacement a large replacement bungalow. The bungalow is 'L' shaped, and has been designed with regard to reducing its visual bulk by the use of off-shoots, and breaks in the ridgeline.

RELEVANT HISTORY

This site has been subject to a number of recent planning applications. Since March 2007, two applications for the erection of two dwellings on the site have been refused – one of these decisions subsequently upheld on appeal. Three applications to extend the existing bungalow have been withdrawn before determination.

POLICIES***NATIONAL POLICY***

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

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

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 POLICY

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

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

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

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

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

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

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 <http://www.durhamcity.gov.uk/> .

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highways Authority and Northumbrian Water have consistently raised no objection to the prospect of replacement or additional residential development on this site.

PUBLIC RESPONSES

Two County Councillors have objected to the proposals, citing the size and scale of other properties in Warwickshire Drive, Shropshire Drive, and Devonshire Road, its prominent position, and an increased risk of flooding as objections to the scheme.

Belmont Parish Council highlight the different appearance of the proposed bungalow resulting from the multiple hips and ridge-lines, contending that the floor area of the proposed dwelling is greater than that of the two units previously refused. The issue of precedent is highlighted.

These two representations are amongst nineteen objections received in response to the consultation exercise by the time this report was written (any representations received thereafter will be reported verbally to members at the Committee Meeting). The objections

are broadly consistent in their areas of concern, and are briefly summarised here. The full text of all representations is available for inspection by Members both on the application file, and on the Council's website.

The scale and character of the proposed building is considered wholly out of place in the cul-de-sac of bungalows, with various correspondents making reference to specific height relationships, both of the existing, and adjacent bungalows, along with the roof and ridge forms proposed. The size of the footprint of the building, in reference to the existing building, those nearby, the area of those in previous applications, and in proportion to the site are all raised, along with the integration into the rhythm of the street scene. Objectors make references to some of these topics being addressed in the Inspector's Report on the refusal of two units on the site.

Issues of amenity for surrounding residents, with reference to the guidelines outlined in the Local Plan are raised, along with the potential for detrimentally affecting 'outlook'. The accuracy of the plans is questioned in respect of distances to surrounding properties, and heights.

Other issues raised relate to the question of precedent, worries regarding the potential disturbance from building works, and exacerbation of flooding problems in the 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.

PLANNING CONSIDERATIONS

In recent years this site has been the subject of a succession of proposals that have been contentious due to the scale and form of redevelopment involved. Whilst the decisions made on those previous applications must be taken into account, and given appropriate weight, this new proposal must be considered on its own merits.

There are two principal areas to consider when assessing this application – whether the proposed dwelling is appropriate in scale and character to the locality, and whether the proposed amenity and privacy distances are acceptable in relation to surrounding residential property. These relate to the requirements of Policies Q8, H2 and H13 of the adopted Local Plan.

Additional issues relating to precedent, traffic, and flooding will also be addressed, as required by Policies T1, T10 and U8a.

The application proposes a large bungalow, with ground floor accommodation only, on a site of disproportionate size at the head of a cul-de-sac of residential bungalows. A vehicular cul-de-sac, pedestrian and bicycle access from the head of the road to Renny's Lane ensures a degree of public passage through the street over and above that usually expected from this type of highway layout. The site, by virtue of its relation to the head of the cul-de-sac, is pushed back behind the nominal building line thereby restricting views of the development. The applicant has sought to design a property in scale with the plot, which from the front aspect uses various architectural devices to reduce its visual bulk. These include the use of hipped roofs, offshoots, and breaks in the ridgeline.

There is over 5m of separation from the proposed bungalow to the boundary with No. 6 Warwickshire Drive, to try to address criticism by the Planning Inspector of a previous scheme having a 'cramped' appearance. The applicant has provided computer graphics to indicate how the dwelling may sit within the street. Whilst in elevation the staggered front of the building achieves this aim, the ridge height necessitated by the depth of the dwelling, and chosen roof-pitch still identify the proposals as a larger structure than those surrounding in

the cul-de-sac. The applicant offers a street-scene that gives justification to the full height of the building and its relation to those properties to the rear in Devonshire Road, in addition to those in Warwickshire Drive. Whilst officers have accepted this approach on previous applications, the Planning Inspector gave more weight for the desirability of consistent design in the cul-de-sac.

The new proposals have sought to address the specific amenity relationships, and privacy issues that were a feature of the previous refusal and Inspector's decision. The west elevation is separated from 3 Shropshire Drive, to the west by 23m, and to 126/128 Devonshire Drive to the north by 20m. Given the guidelines set out in the Local Plan suggest 21m between two storey dwellings, these relationships are considered acceptable. The pitched roof garage on the east elevation of the site presents a blank elevation to 8 Warwickshire drive, and this likewise is considered acceptable. The building has its nearest window relationship in its north-west corner, where the kitchen / sun-room face 122/124 Devonshire Road. A 13m separation is proposed here, with a series of restricted vision slit windows proposed for this elevation. These are only crudely shown on the proposed elevations. The occupants of the facing property have not objected to the proposals. Subject to a condition to ensure the design of these windows give the restricted view intended, officers are of the opinion that the proposals are acceptable in terms of facing relationships. Given the size of the plot available, the degree of amenity space available for prospective residents of the property is not an issue. As regards privacy and amenity, the proposals are considered consistent with Policy Q8.

It is noted that many of the objections to the proposals have been submitted from occupants of the wider estate, from properties not directly affected by the proposals. Whilst precedent is raised as a concern, each application considered on its own merits and circumstances against planning guidance and policies. This matter is not therefore sufficiently material to an assessment of the proposal.

No evidence has been forthcoming to show why a replacement dwelling that will be connected to main drains to the up-to-date standards required by Northumbrian Water should result in any degree of flooding risk.

Concerns relating to traffic and noise and disturbance appear to relate mainly to disruption from construction traffic, and not to the proposed dwelling itself, which subject to a footpath crossing to County Highways standards, provides more parking provision than strictly necessary. The application is therefore not considered contrary to Policies T1, T10, or U8a. As these were not items stated as refusal items by the Planning Inspector considering the recent refusal of two units on the site, refusal on these grounds could be considered unreasonable.

CONCLUSION

The application proposes the development of brownfield land within a settlement boundary, where residential development is both accepted and encouraged in principle. The larger development on the brownfield plot is also consistent with PPS3's aim for the more efficient use of 'brownfield' land. As indicated above, officers are of the opinion that in terms of residential relationships, subject to conditions, these elements of the application could be considered acceptable. Likewise issues raised by objectors relating to precedent, traffic generation, and flooding cannot be justified to a level where they could sustain a refusal reason.

The application potentially turns therefore on the issue of scale and character. The applicant has worked to find a balance between his aspirations for a large dwelling that balances its proportions in relation to the site, with its proportions in relation to the street. Parallels have been made with other extensions and developments both in the street, and on the wider

estate. Ultimately, whilst the physical separation with surrounding buildings is acceptable, the Planning Inspector who determined the recent appeal on the site clearly indicated that the height and scale of the building should be read in relation primarily to the cul-de-sac, and not the wider surrounding built environment. The height of the building relates to its scale, which, for the most part, is hidden behind the front, public elevation of the site. The Inspector's appeal decision sets out the refusal reasons that must be overcome in order to reasonably expect an approval. The character of the street which is defined by the character and scale of its buildings and in this case the requirement for the proposed building to integrate adequately to its surroundings has not been addressed sufficiently for officers to be comfortable with a recommendation for approval.

RECOMMENDATION

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

In the opinion of the Local Planning Authority, the proposed development, by virtue of its size, height and massing is considered inappropriate to the character of its surroundings, contrary to Policies Q8, H13, and H2 of the City of Durham Local Plan 2004.

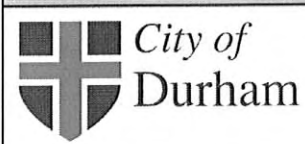
BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Planning Policy Statements: PPS1, PPS3,
North East of England Plan Regional Spatial Strategy to 2021 (RSS), July 2008
City of Durham Local Plan 2004
Responses from County Highways, Northumbrian Water
Public Consultation Responses

HEREFORDSHIRE DRIVE

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HEREFORDSHIRE DRIVE



Planning Services

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Application No. 4/08/00746/FPA
7 Warwickshire Drive, Durham

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|-----------------|-------------------|--------------|-------|
| Comments | | | |
| Date | 26 September 2008 | Scale | 1:833 |

ITEM 5

| | |
|------------------------------------|--|
| 08/00757/FPA | Land Between 7 And 9 Middlewood, Ushaw Moor, Durham |
| Brett Brothers Developments | Erection of 6 no. apartments in two storey block with accommodation in roofspace with associated parking and access (amended description) |

SITE AND APPLICATION DESCRIPTION

The application site relates to a vacant parcel of land situated between two existing dwellings on the northern edge of Ushaw Moor, and within its settlement limits. The site is bound by a wall and trees to the rear with countryside beyond and contains areas of hardstanding and steps and used for informal vehicular parking.

Planning permission is sought to erect a two storey building with accommodation in the roofspace served by full-height dormers with balconies to both front and rear elevations of the building. Internally, there would be six apartments, four having 2 no. bedrooms and the remainder having one bedroom. The building would be constructed of brick and tile and would benefit from amenity space to the rear, and six in-curtilage parking spaces to the front. The design has been revised to introduce a visual break to the front elevation and a reduction to the scale of the dormers.

RELEVANT HISTORY

In 2001 outline planning permission was granted (01/00646/OUT) for the redevelopment of the northern part of Aldridge Court, and this included the erection of a detached dwelling on the site which is the subject of this application. No reserved matters application was made and the permission has since expired.

POLICIES

NATIONAL POLICIES

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

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

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

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

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

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

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

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

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

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

Policy Q10 (Dormer Windows) permits dormer extensions provided they are appropriate in design and do not dominate the roofscape or harm residential amenity.

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.

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.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objection to the scheme.

Northumbrian Water Limits has raised no objection to the scheme.

PUBLIC RESPONSES

No representations have been received from the public.

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

PLANNING CONSIDERATIONS

The main issues concern the principle of development and whether there would be harm to visual/residential amenity or highway safety.

Annex B of PPS3 states that previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It is considered therefore, that since the application site was previously occupied by garages where areas of associated hardstanding and steps remain, that it is previously-developed and its redevelopment for residential purposes would comprise windfall development of previously-developed land. The principle of development is entirely consistent with Policy H3 of the Local Plan and national policy contained in PPS3. Policy H3 states that new residential development should be appropriate in scale, design, location and number of units to the character of the settlement and that it should not result in the development of areas which possess important functional, visual or environmental attributes.

While the site is largely open it does not possess any important functional, visual or environmental attributes, other than for informal parking of vehicles by surrounding occupiers and as such, the proposals do not conflict with Policies E5a or H3.

In terms of the layout and scale of the building, it is sited sensitively in relation to the building line established by the dwellings either side of the site, and utilises space at the rear as a shared garden with refuse storage facility while to the front is a parking area. The building is two storeys in height with accommodation in the roofspace making efficient use of the land, and also makes effective use of the significant change in levels between the existing dwellings, with the eaves and ridgelines stepping up above No. 7 but below No. 9 Middlewood. The size and mass of the dormers to the front elevation have been reduced to ensure that they do not dominate the roofslope, and are therefore considered appropriate to the scale and type of accommodation which is proposed, and accord with Policy Q10 specifically.

The appearance of the building has been revised also, in order to break up the front elevation and provide a more domestic scale to the development which ensures that the scheme is appropriate to the character of the area in accordance with Policies H3 and Q8. Whilst it is recognised that the scheme is high in density terms, this is often the case with smaller apartments aimed at the lower end of the housing market, and although PPS3 has an indicative minimum, there is no maximum density. Moreover, the proposals represent efficient use of previously-developed land.

Turning to residential amenity, it is considered that while the rear elevation projects some 2.5m beyond the rear of No. 9 Middlewood, the change in levels and detached nature of the proposal is such that the adjoining occupiers will not be significantly adversely affected by

the proposals. Similarly, No. 7 Middlewood and those properties opposite the site will not be adversely affected by the scheme, and thus the development accords with Policy Q8 in this regard.

The proposed apartments would be served by six parking spaces within its curtilage, while some on-street parking is available if there is additional demand. The County Highway Authority considers that the level of parking and means of access to the site is acceptable in this location and as such, the scheme accords with Policies T1 and T10 and there will be no detriment to highway safety accordingly.

The disposal of foul sewage and surface water would be to existing connections and in accordance with Policy U8a this is considered acceptable, and Northumbrian Water Limited has raised no objection to the scheme.

CONCLUSION

In conclusion, the proposed development would make efficient use of previously-developed land, while the layout, scale and appearance are appropriate and would not significantly adversely affect visual or residential amenity and highway safety. Officers therefore support the scheme fully, subject to appropriate conditions.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
3. 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.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements 1 and 3

The North East of England Plan - Regional Spatial Strategy to 2021

City of Durham Local Plan 2004

Response from County Highway Authority and Northumbrian Water Limited

Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00757/FPA

Land Between 7 And 9 Middlewood, Ushaw
Moor

Comments

Date

26 September 2008

Scale

1:833

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ITEM 6

| | |
|---|---|
| 08/00758/FPA & 08/00759/LB | Former United Reformed Church, Claypath, Durham, DH1 1RH |
| Mr D Crozier | Change of use to restaurant (revised and resubmitted) |

SITE AND APPLICATION DESCRIPTION

The application site relates to the former United Reformed Church, and involves internal alterations and repairs to the two Grade II Listed structures in association with their change of use to a restaurant. The northern structure identified as the Church Hall and Offices dates from 1751 and formed the original Presbyterian Church. The southern building identified as the United Reformed Church dates from 1885-6 and directly abuts the northern structure, with a connecting passageway present.

The site lies on the edge of the secondary shopping area as identified within Policy S2B of the City of Durham Local Plan 2004 and is bounded to the north and east by residential and office development. To the south and west are a mixture of residential, retail, restaurants and public houses.

RELEVANT HISTORY

Applications for both planning permission and Listed Building Consent were submitted in 2007 for a change of use to restaurant. The applications were withdrawn due to a lack of information and the concern over the level of proposed alterations.

POLICIES***NATIONAL POLICY***

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

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

Planning Policy 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 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.

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 POLICY

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

Policy E23 (Listed Buildings) states that the Council will seek to safeguard listed buildings and their settings by not permitting development which adversely affects the architectural or special interest of a Listed Building, its setting, or total or substantial demolition, while ensuring that proposals are sensitive in terms of design, scale and materials.

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

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

Policy S2B (A2 and A3 uses within the Secondary Retail Area) states that development at ground floor level of Class A2 (financial and professional) and Class A3 (food and drink) within the secondary area, will be permitted provided they do not undermine the retail character of the street.

Policy S10 (Food and Drink) states that within settlement boundaries, development for Class A3 uses will be permitted provided that there are no adverse effects on the amenities of nearby occupants

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

Policy CC3 (Development Opportunities – Range of Uses) states that the 'lower Claypath' area is identified for a range of mixed uses (Class A2, A3, C1 and C3). The use of land and premises within the Claypath area for offices, restaurants, hotel or housing, or a mixture thereof, is considered appropriate provided that no single use dominates the area.

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

Policy 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.

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 <http://www.durhamcity.gov.uk/> .

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

A response has been received from the Durham Bat Group, which recommend that any planning consent be subject to adherence to the mitigation measures and methodology outlined in the report.

The County Highway Authority has raised no objection to the applications

INTERNAL RESPONSES

The Council's Environmental Health Department consider that although no detailed proposals are submitted, since the type of restaurant is unknown, that the site and building are entirely capable of accommodating the installation of a satisfactory kitchen exhaust system to control both odour and noise. The subsequent use and adherence to the methods of control and filtration detailed in the DEFRA 2005 guidance are enforced by Environmental Health in order to ensure that the system and restaurant as a whole would not operate in such a manner so as to cause a statutory nuisance.

PUBLIC RESPONSES

A number of responses have been received from members of the public who reside in the immediate vicinity. These raised objections and concerns in relation to the potential noise disturbance, traffic problems, invasion of privacy and amenities, potential kitchen smells, issues of overlooking and potential noise disturbance from any proposed ventilation system.

The City of Durham Trust has expressed concerns regarding the problems of deliveries and removals in relation to the properties position adjacent to Claypath Court residencies and close to the traffic lights. However, the revised application is felt to be more sympathetic in its proposed treatment to the two buildings concerned.

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

PLANNING CONSIDERATIONS

The main issues are the principle of the proposed change of use, the impacts of the scheme upon the residential amenity of surrounding occupiers and the character, appearance and quality of the Grade II Listed Building within the Durham City Centre Conservation Area.

The application site is defined as being in an edge-of-centre location, situated on the edge of the secondary retail area of the City Centre as identified under Policy S2B of the Local Plan. In an edge-of-centre location, PPS6 advises that applications for the change of use to leisure uses such as restaurant require applicants to demonstrate that there is a need for the development, that it is of an appropriate scale, that there are no more central sites available, that it will not unacceptably impact upon other centres and that the location is accessible. The applicants have not supplied this information in support of the application. However, it is considered that there are a number of other material considerations of considerable weight which would support a lack of adherence to the approach required in PPS6 in the particular circumstances of the application site.

Firstly, the buildings are deemed to be of historical and architectural importance and are Grade II Listed Buildings, and in this regard, PPG15 states that 'New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life'. At present the buildings are in a poor state of repair, with vandalism and damage being caused both internally and externally. The southern structure is now also subject to pigeon infestation, due to the broken windows caused by vandalism. Evidence of drug abuse has also been found within the basement area of the building and rear yard. The re-use of the building would assist in safeguarding the continuing deterioration of these important Listed Buildings.

Secondly, being outside of, but adjacent to the City Centre retailing area, Policy S10 is wholly relevant, in that it allows a restaurant use in locations such as the application site; subject to four criteria. These concern amenity, parking and scale/character, and finally, that proposals do not compromise the level of provision in the primary and secondary shopping centres. Much of the primary and all of the secondary areas are at the minimum level of A1 retailing use. It is unlikely that this proposed conversion would undermine provision in the City Centre, as there is limited scope for change of use to A3 in the centre under Local Plan policy. To locate the proposal in a more central site would therefore undermine the retailing function of the City Centre.

Thirdly, the application site lies immediately adjacent to the area identified as 'Lower Claypath' under Policy CC3, which allocates land as being suitable for A3 (Restaurants and Cafes) uses as proposed within this application. The site also lies within an area allocated as Policy CC1, which seeks to protect and enhance the vitality and viability of the City Centre. Given the current rates of unit vacancy within Claypath and whilst other restaurant facilities are present, it is considered that this proposal would not result in an over predominance of such uses within this area. Indeed such a use may increase footfall along this area of Claypath. Therefore, it is considered that the proposed change of use would not conflict with either national or Local Plan policies which principally seek to protect existing retailing functions within the identified retail hierarchy in the District.

Residential amenity is a principal consideration due to the proximity of surrounding occupiers, in particular Claypath Court. Externally, no alterations are proposed; however, a number of existing windows are present within the main body of both the northern and southern structures. Within the northern structure there are windows to the north and east elevations which span both ground and first floor levels, however at ground floor level the opening is well above head height thus ensuring that no overlooking will result for the occupiers of Claypath Court. Windows which would serve the proposed dry storage room would look towards corridors in Claypath Court rather than habitable rooms and as such no

privacy loss would occur. The main impact will be from noise emanating from the kitchens which could be operating throughout the day when residents may be using the gardens which abut the application site. In respect of the latter it is considered that all windows within the northern structure are fitted with secondary glazing and a condition securing this would be appropriate in the circumstances.

To the southern structure, 6 stained glass windows are present within the main ground floor body of the church. These windows, due to their construction reduce the potential level of visibility and it is therefore considered that further overlooking issues will not result from this area than currently exist.

The primary impact will be from the potential noise, odours and disturbance due to the proposed change of use. The level of potential noise pollution emanating from the existing window openings, coupled with the proximity to Claypath Court raises an element of concern. However, the existing windows could accommodate an element of secondary glazing, which would not only allow obscure glazing to be incorporated, but would also allow an element of sound insulation to be provided to the existing windows, therefore reducing the potential impact upon residential amenity of neighbouring residents.

With regards to the potential odours emanating from the development, a ventilation route is identified on the submitted plans. However, due to the lack of an end user at the present time, this proposal has not been detailed. A written agreement has been provided to ensure that all ventilation proposals will accord with the Defra Guidelines 2005, with an odour abatement system identified, providing both odour control and stack dispersion methods. The Environmental Health Department felt that the proposals were satisfactory, provided that adherence to the Defra Guidelines 2005 is maintained. Issues are still present as to the type of ventilation/extraction systems required dependent upon the potential end user. It is therefore suggested that a condition be attached to address these issues requiring full details of the ventilation, filtration and extraction systems proposed.

Disturbance etc is also identified as a potential impact upon residential amenity. Although it is acknowledged that the relationship between the residential properties and the application site is not ideal, this relationship has existed in its current state, following the construction of Claypath Court. The principal access to the properties will be located fronting Claypath and the residential properties are surrounded by a variety of town centre uses, in addition to night-time uses. The potential level of additional disturbance resulting from this proposal is therefore considered minimal. However, in order to reduce the potential level of disturbance to surrounding residents, due to the constricted nature of the site, it is suggested that a condition be attached restricting the hours of operation to those which are considered reasonable for a restaurant use within this location. In particular it is suggested that a condition is imposed requiring the premises to be closed to the public between the hours of 11pm-9am between Sunday and Thursday, also, between 12 (midnight) and 9am Friday-Saturday.

In connection with the potential levels of disturbance the proposed use of the first floor area within the northern Church structure is not clearly identified and remains, an area of open floor space on the submitted plan. In order to prevent this area from becoming an additional restaurant space associated with the main use, it is proposed that a condition be attached restricting the use of this area to that of offices and storage associated with the restaurant use. The use of a condition in this manner would prevent the area becoming an additional preparation or service area associated with the restaurant use.

In terms of the effect on the character and quality of the Listed buildings, it is considered that the proposed internal alterations are sensitively considered and are such that they retain the internal character, appearance, layout and internal spaces within the building in accordance with the requirements of PPG15 which states that 'Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses'. The

revised scheme has sought to address concerns which arose from the previously withdrawn scheme, by amending the internal alterations, particularly those within the southern Church structure and the retention of the original balcony, and by providing a route for the kitchen ventilation which will reduce the level of external intervention and visual intrusion of any proposed scheme. The proposed internal alterations preserve and enhance the character, appearance and quality of the northern and southern structures by providing a sense of the intended internal space and retaining architectural features such as the balcony area, pulpit and organ.

The proposals do not in their current form, require any external alterations. However, when an end user is defined, there may be a requirement to undertake works for a means of extraction which results in alterations to the chimney on the northernmost part of the building.

Concerns have been raised in relation to the traffic implications and the problems of deliveries etc due to the sites proximity to Claypath. The County Highway Authority has offered no objection to the proposal and the scheme is therefore considered acceptable in relation to Policies T1 and T10 of the City of Durham Local Plan 2004.

An ecological report by John Drewett (Ecological Consultant) relating to the presence of Bats was submitted with this application. No evidence of Bats was found, however, the report has been considered by the Durham Bat Group and it is requested that any planning consent be subject to adherence to the mitigation measures and methodology identified within the ecological report.

CONCLUSION

In conclusion, the location of restaurant development on this site is supported in principle. It would support the vitality and viability of parts of the City Centre which, as identified in the Local Plan, are priorities for environmental enhancement, and would not result in harm to highway safety or residential amenity, whilst bringing back into use a Listed Building; which is in a deteriorating condition. Whilst the proximity to surrounding residential developments is not ideal, it is felt that this proposal provides an opportunity to return to use two prominent Listed Buildings, which due to their internal layout and orientation, would not lend themselves easily to alternative forms of conversion. However, the impact upon the residential amenity of surrounding occupiers has been considered in detail. In respect of the latter, a number of conditions are proposed to reduce any potential impacts upon the residential amenity of surrounding occupiers, whilst ensuring the future use of these valuable historic buildings. Accordingly, Officers are able to support the application.

RECOMMENDATION

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

4/08/00758/FPA

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.
3. Before any development is commenced a full noise attenuation scheme to include precise details of the proposed type, form and method of insulation, to protect the surrounding properties against any internally generated noise shall be submitted to

and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

4. The use of the premises shall not commence until there has been submitted and approved in writing by the Local Planning Authority, a scheme for ventilation and extraction/filtration of any cooking odours in accordance with current DEFRA Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems, and the approved equipment has been installed.
5. The equipment referred to in Condition 4 shall be operated and maintained in accordance with the manufacturers instructions.
6. The premises shall not be open to the public between the hours of 11pm-9am Sunday-Thursday and 12 Midnight-9am Friday and Saturday.
7. The first floor of the northern Church structure (identified as the former Church Hall and Offices) shall be limited to office use and storage only, in association with the restaurant and shall not otherwise be used for the preparation or service of any food or drink.
8. No development shall commence until full details of opaque secondary glazing has been submitted to and agreed in writing with the Local Planning Authority, and thereafter implemented and retained in accordance with approved scheme.
9. The land situated to the east of the United Reformed Church building shall not be used by customers or staff from the restaurant unless otherwise agreed in writing by the Local Planning Authority.
10. The use hereby approved shall not commence until full details of facilities for the storage and collection of refuse have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented and retained in accord with the approved scheme.

4/08/00759/LB

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.
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 application details of all materials to be used internally 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. Notwithstanding the information shown on the submitted plan full joinery details drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans precise details of the proposed treatment to the balcony, to include details of the balustrade, level

treatments etc. drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.

7. Notwithstanding the information shown on the submitted plans precise details of the proposed staircase, to include details of the design, scale, finish and method of insertion drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme
8. Notwithstanding the information shown on the submitted plans precise details of the proposed treatment to the existing fire places, panelling and internal stud partitioning to include details of the proposed method of attachment and junction with the existing cornice and skirting boards where present shall be submitted to and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme.
9. Notwithstanding the information shown on the submitted plans, full details of the proposed kitchen and bathroom equipment and fit out, to include details of cable and plumbing runs, methods of insulation, attachment, materials, and equipment proposed, shall be submitted at scale 1:50, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
10. Demolition/alterations shall be carried out in a manner to be agreed in writing with the Local Planning Authority and the said Authority shall be informed immediately of any concealed feature which is revealed by such works. Such features shall be retained if the said Authority so requires

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPS6, PPS9, PPG15

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

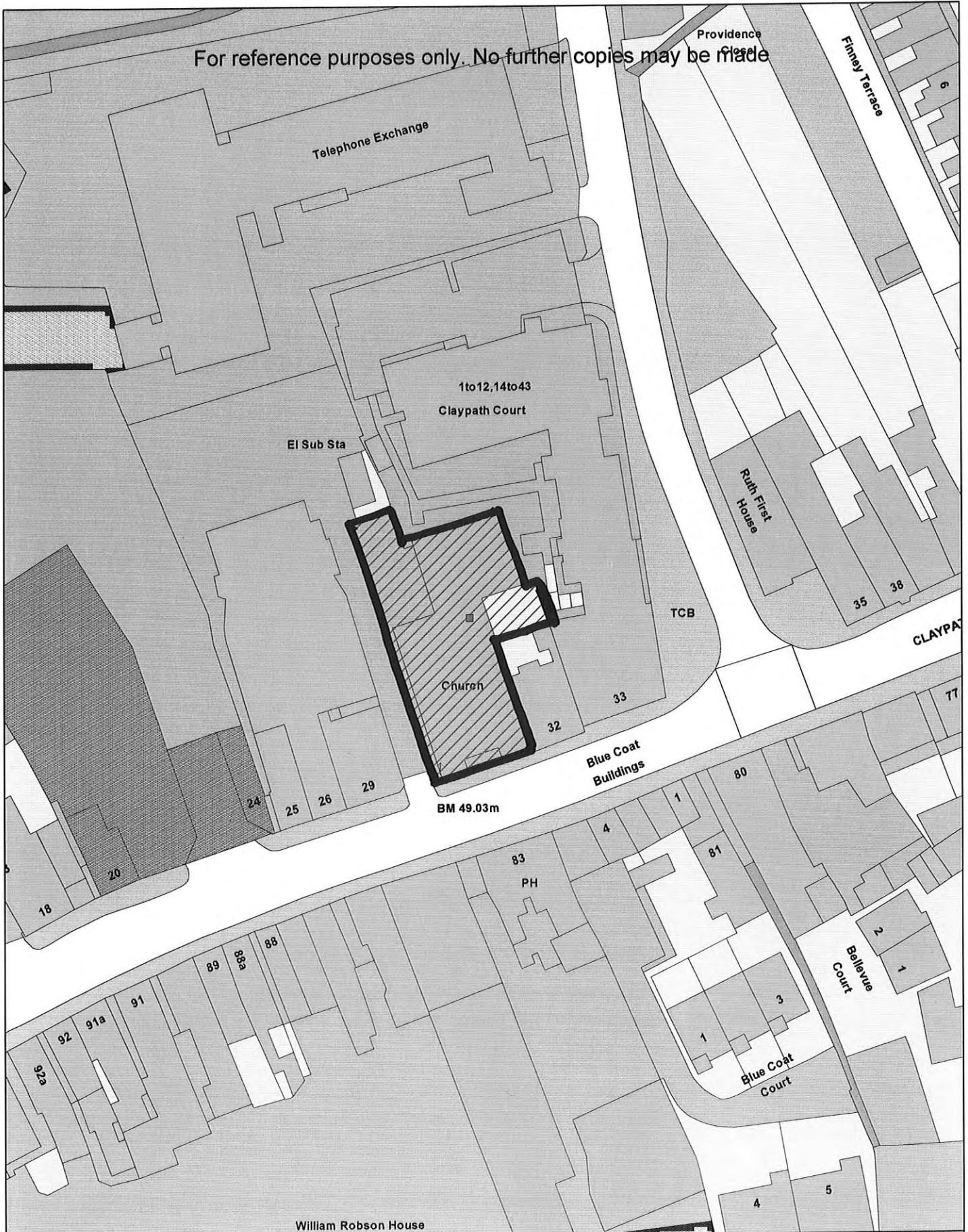
City of Durham Local Plan 2004

Internal responses (incl Environmental Health)

Responses from County Highways, Durham Bat Group and Northumbrian Water

Public Consultation Responses

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City of
Durham

Planning Services

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Application No. 4/08/00758/FPA + 4/08/00759/CAC

Former United Reformed Church, Claypath

Comments

Date

26 September 2008

Scale

1:750

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE 8th October, 2008

Reports for Information

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

8 October 2008

REPORT OF THE HEAD OF PLANNING SERVICES

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

a) **Appeal by Mr G Maw
Site at Coalford Lane Farm, Littleton, Durham**

Appeals have been lodged by Mr G Maw against the Council's issuing of an Enforcement Notice in respect of the unauthorised erection of an ancillary building comprising a domestic three car garage, offices and residential accommodation at Coalford Lane Farm, Littleton, Durham.

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

Recommendation

That the report be noted.

2. Planning Applications determined under Plenary Powers

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

3. Building Control Applications determined under Plenary Powers

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

CITY OF DURHAM

APPLICATIONS DETERMINED UNDER PLENARY POWERS

PRINTED ON 16 September 2008

1. The following applications were **REFUSED**.

| Number and Applicant | Location | Proposal |
|-----------------------------------|--|--|
| *08/00568/FPA Mr J Thompson | Town Kelloe Paddock Town Kelloe Durham DH6 4PR | Erection of general purpose agricultural barn |
| *08/00606/FPA Mrs S Wagstaffe | 69 Whinney Hill Durham DH1 3BG | Erection of two storey pitched roof extensions to side of existing dwelling |
| *08/00611/OUT Mr And Mrs James | Triermayne Nevilles Cross Bank Durham DH1 4JP | Outline application for erection of 1 no. dwelling with all detailed matters reserved |
| 08/00624/FPA Mr I Storer | 36 Red Hills Lane Durham DH1 4AW | Erection of two storey pitched roof extensions to both sides and rear of existing dwelling |
| 08/00641/FPA Mr S McIntosh | Highway To East Of Unit A Bowburn South Industrial Estate Bowburn Durham | Change of use of highway to mixed use as highway and for sale of hot food and drinks from mobile catering van |
| *08/00642/LB Miss C Thomas | 9 Leazes Place Durham DH1 1RE | Erection of 1 no. solar panel to front and rear elevations of existing dwelling |
| *08/00643/FPA Mr T James | 7 Willow Tree Avenue Shincliffe Durham DH1 2PA | Erection of two storey pitched roof extension to rear of existing dwelling with single storey pitched roof extension beyond within raised garden area |

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|------------------------------|--|---|
| *08/00645/FPA Mr G Kelsey | 20 Falcon Way Esh Winning Durham DH7 9JW | Erection of first floor extension comprising enlarged replacement roof with 4 no. dormer windows and 4 no. rooflights |
| 08/00657/FPA Mr A Signor | 29 Hamsterley Crescent Newton Hall Durham DH1 5XJ | Erection of one and two storey pitched roof extensions and entrance door canopy roof to front of existing dwelling |

2. The following applications were **APPROVED**.

| Number and Applicant | Location | Proposal |
|--------------------------------|--|--|
| *07/01140/FPA Tesco Extra | Tesco Stores Ltd Dragon Lane Gilesgate Durham | Erection of 1 no. 10.6m high micro wind turbines within existing car park (amended description) |
| 08/00542/AD Mrs C Smith | 84 Claypath Durham DH1 1RG | Erection and display of internally illuminated shopfront fascia sign (revised and resubmitted) |
| 08/00546/FPA Mr R Pringle | Forge Farm Cottage Old Quarrington Durham DH6 5NN | Erection of single storey pitched roof extension to side elevation of existing dwelling |
| *08/00563/FPA Mrs K Chapman | 1 Cooks Cottages Ushaw Moor Durham DH7 7PH | Conversion of existing dwelling to form two self-contained flats |
| 08/00569/FPA Mrs Rowland | 7 Field House Terrace Durham DH1 4NA | Widening of vehicular access and erection of 1.6m brick pillar |
| 08/00591/FPA Mr J Collinson | 37 Russell Street Waterhouses Durham DH7 9AR | Erection of two-storey pitched roof extension to rear of existing dwelling with basement level store |

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| 08/00594/FPA Mrs W Brookes | Rose Cottage The Green Hett Durham DH6 5LU | Erection of first floor pitched roof extension to side incorporating half dormer windows, pitched roof atop existing two storey flat roof extension, replacement of conservatory with single storey pitched roof extension to existing dwelling and pitched roof incorporating playroom above existing detached garage |
| 08/00596/TPO Mr And Mrs Roxby | Lamorna Station Road West Coxhoe Durham DH6 4AS | Felling of 1 no. Sycamore tree and thinning of 3 no. Sycamore trees |
| 08/00598/FPA Mrs Bowman | 54 Deerness Heights Brandon Durham DH7 8TX | Erection of single storey flat roof extension to rear of existing dwelling |
| #08/00602/FPA Mr K Bell | Crook Hall Framwelgate Waterside Durham DH1 5SZ | Erection of chimney and internal alterations in attic to allow use as artist studio in association with the main dwelling house |
| #08/00603/LB Mr K Bell | Crook Hall Framwelgate Waterside Durham DH1 5SZ | Erection of chimney stack, re-slating roofs including new laths and felting, with insertion of conservation rooflight on east elevation, re-opening of blocked gable window on south elevation with internal alterations to allow use of roofspace |
| 08/00608/FPA Mr N Gadd | 1 Westhouse Avenue Potters Bank Durham DH1 4FH | Erection of porch to front elevation and single storey pitched roof extension to side of existing dwelling |

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| <p>*08/00614/FPA Mr J Marshall</p> | <p>34 Old Elvet Durham DH1 3HN</p> | <p>Change of use to hotel and restaurant and amendments to previously approved (07/00530/FPA) external alterations involving erection of enlarged extension to rear of existing building, additional external door to lodge building and landscaping works including fence to retaining wall and steps</p> |
| <p>*08/00617/LB Mr J Marshall</p> | <p>34 Old Elvet Durham DH1 3HN</p> | <p>Listed Building Works consisting of amendments to previously approved (07/00530/FPA) external alterations involving erection of enlarged extension to rear of existing building, additional external door to lodge building and landscaping works including fence to retaining wall and steps</p> |
| <p>08/00623/AD Stuart Wright Funeral Service Ltd</p> | <p>23 Marshall Terrace Gilesgate Durham DH1 2HX</p> | <p>Erection of projecting wall clock incorporating business name on front elevation of existing business premises</p> |
| <p>08/00626/FPA The Trustees Of The Diocese Of Hexham And Newcastle</p> | <p>St Josephs Roman Catholic School Durham Road Ushaw Moor Durham DH7 7LF</p> | <p>Erection of single storey pitched roof extension to link existing buildings and erection of 1.8m palisade fence to perimeter of site.</p> |
| <p>08/00632/AD CWS Financial Services</p> | <p>Co-op Food Lowland Road Brandon Durham DH7 8LL</p> | <p>Erection of 4 no. non-illuminated fascia signs</p> |
| <p>08/00637/FPA Hire Station Ltd</p> | <p>Unit 17 Cathedral Park Durham</p> | <p>Change of use to tool hire depot</p> |

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| 08/00638/FPA Co Operative Group | Co Op Store Lowland Road Brandon Durham DH7 8LL | Erection of 2.25m high replacement gates to service yard and siting of 8 no. refrigeration condenser units enclosed by 2.5m high palisade fence |
| 08/00647/FPA Mr D Johnson | 45 Birkdale Gardens Belmont Durham DH1 2UJ | Erection of single storey pitched roof extension to rear of existing dwelling |
| 08/00648/AD CWS Retail Financial Services | Co Op Food Front Street Kelloe Durham DH6 4PD | Erection and display of externally illuminated shopfront fascia sign |
| 08/00650/FPA Mr P Hughes | 15 Meldon Way High Shincliffe Durham DH1 2PZ | Erection of single storey pitched roof extension with window to gable front and erection of gabled roof with window to side elevation of existing dwelling |
| 08/00652/FPA Taylormade Timber Ltd | Taylormade Timber Ltd Old Colliery Yard Sherburn Hill Durham DH6 1PS | Regrading of existing mound and construction of tarmac surface with associated access to provide additional storage, re-siting of existing boundary fence including diversion of public right of way and associated new highway access |
| *08/00653/AD Vauxhall | Patrick Alma Place Dragonville Durham DH1 2HN | Erection of 9 no. internally illuminated signs, comprising 6 no. fascia signs, 3 no. totem signs |
| 08/00654/FPA Mr G Fielder | 28 Hill Meadows High Shincliffe Durham DH1 2PE | Proposed single storey pitched roof extension to rear of existing dwelling |

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| 08/00655/FPA Mr C Mackenzie | Linden House Linden Terrace Coxhoe Durham DH6 4DX | Erection of single storey pitched roof conservatory to side of existing dwelling |
| 08/00656/FPA Mr J Paine | Broomside Newcastle Road Crossgate Moor Durham DH1 4AD | Erection of single storey pitched roof extensions to side and rear and erection of garage to side of existing dwellinghouse |
| 08/00658/FPA Mr R Ager | 63 Moor Crescent Ludworth Durham DH6 1NA | Erection of single storey conservatory to rear of existing dwelling |
| 08/00659/FPA Mr O'Brien | 76 Langley Road Newton Hall Durham DH1 5LR | Erection of single storey pitched roof extension to rear of existing dwelling |
| 08/00660/FPA Miss L Wood | 89 The Crescent Sherburn Village Durham DH6 1EJ | Erection of conservatory to rear elevation of existing dwelling |
| 08/00661/FPA Mr J McManus | The Anchorage Rainton Gate West Rainton DH4 6SQ | Demolition of existing double garage and erection of single storey pitched roof extension to side and rear of existing dwelling and erection of detached double garage to rear |
| *08/00663/FPA Mr M Cuthbertson | 3 Manor Close Shincliffe Durham DH1 2NS | Erection of single storey pitched roof extension across full width of rear elevation of existing dwelling |

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| *08/00666/FPA Mr J Barron | 1 Norham Road Newton Hall Durham DH1 5NU | Erection of first floor pitched roof extension to side, pitched roof canopy and bay window to front elevation and single storey pitched roof extension to rear of existing dwelling (revised and resubmitted) |
| 08/00667/FPA Mrs J Howe | 15 Cambridge Terrace Bowburn Durham DH6 5AY | Erection of single storey pitched roof extension to rear of existing dwelling |
| 08/00669/FPA Mr J Bell | 23 Flass Avenue Ushaw Moor Durham DH7 7LE | Partial demolition of existing outbuilding and erection of single storey pitched roof extension to side elevation of existing dwelling |
| *08/00672/FPA City Electrical Factors Ltd | Alexander House 3 Whitfield Court Meadowfield Industrial Estate Meadowfield Durham DH7 8XL | Bricking-up of 4 no. windows to rear elevation, siting of air condenser unit to side, erection of roller shutters to windows on all elevations and a generator |
| 08/00674/FPA Satellite Information Services | 31 Front Street Framwellgate Moor Durham DH1 5EE | Erection of satellite dish on rear flat roof of existing commercial unit |
| 08/00682/FPA Mr D Tudor | 2 Rowan Tree Avenue Gilesgate Moor Durham DH1 1DU | Erection of conservatory to rear of existing dwelling |
| 08/00683/FPA Her Majestys Court Service | Magistrates Courts Old Elvet Durham DH1 3HW | Erection of first floor flat roofed office extension |
| 08/00684/FPA Mr J Luckin | Crossways Whitesmocks Durham DH1 4LL | Demolition of existing and erection of detached dwelling |

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|-------------------------------|---|---|
| 08/00686/FPA Mrs A Cairns | 40 Dene View Cassop Durham DH6 4RW | Erection of detached pitched roof garage to rear of existing dwelling |
| 08/00687/FPA Mr B Williams | Merrythought Woodland Road Bearpark Durham DH7 7DQ | Erection of pitched roofed detached double garage |
| 08/00690/FPA Mr M Defty | 2 Limecragg Avenue Gilesgate Moor Durham DH1 1DF | Erection of conservatory to rear of existing dwelling |
| 08/00691/FPA Mr L Baker | 25 Aldin Grange Terrace Bearpark Durham DH7 7AN | Erection of single storey pitched roof extension to front, and first floor pitched roof extension to rear of existing dwelling |
| 08/00692/FPA Mr K Walker | 42 Deans Walk Gilesgate Durham DH1 1HA | Erection of single storey pitched roof extension to rear, 2 no. dormer windows to rear, and 1 no. dormer window to front, and new first floor window to side of existing bungalow |
| 08/00703/FPA Mr E Heron | 106A High Street Carrville Durham DH1 1BQ | Proposed change of use of workshop to residential unit (C3) on first floor |
| 08/00704/FPA Miss N Smith | 20 Dorlonco Villas Meadowfield Durham DH7 8RZ | Erection of pitched roof porch to front and conservatory and pitched roof detached garage to rear of existing dwelling |
| 08/00724/FPA B Sky B Ltd | Aire House (First Floor) Unit 1 Mandale Business Park Belmont Industrial Estate Durham DH1 1TH | Installation of condensers within bin store, fitment of ventilation grilles and erection of satellite dish |

* Determined under Chairman and Vice-Chairman delegated authority.

To be ratified by G.O.N.E.

For full details of conditions attached to approvals or reasons for refusal please consult individual applications via the website www.durhamcity.gov.uk/Planning/ .

List of Approvals

From 04/09/2008 to 25/09/2008

| Number and Applicant | Location | Proposal |
|---|--|---|
| 08/03350/DOM Mr George Brown | Land At St Lawrence Close High Pittington Durham DH6 1RB | New Detached Dwelling |
| 08/03515/OTHDOM Mr & Mrs Scorer | 8 Rosemount Pity Me Durham DH1 5GA | New Roof to existing conservatory and new dormer window to existing first floor room |
| 08/03538/DRO Mr D Mc Cormick | Baal Hill Farm Sandy Lonnen Waterhouses Durham DL15 9AR | Loft conversion/kitchen/bedroom extension & internal alterations |
| 08/03539/DEX Mr & Mrs P Lowdon | Castle Lodge The Village Brancepeth Durham DH7 8DE | Single Storey Extension |
| 08/03549/DEX Jeevan Mettayil | 125 Canterbury Road Newton Hall Durham DH1 5NF | Bedroom extension over existing garage and utility, and new front porch |
| 08/03559/OTHDOM Mr M Aujla | 32 Front Street Framwellgate Moor Durham DH1 5EE | Stockroom Extension |
| 08/03574/DEX Mr W Meilke | 107B High Street Carrville Durham DH1 1BQ | Convert former shop into residential unit. Erect two storey extension to rear |
| 08/03578/DEX Mr Barry McKibbin | 31 William Street Bowburn Durham DH6 5DY | Proposed bedroom (ensuite) |
| 08/03601/DEX Mr & Mrs Kirton-Darling | Laverick Hall Charlaw Fell Witton Gilbert Durham DH7 6TT | Proposed Extension to East Elevation |

| Number and Applicant | Location | Proposal |
|--------------------------------------|--|--|
| 08/03602/DEX Mr & Mrs Hodge | 22 Holmlands Crescent Framwellgate Moor Durham DH1 5AR | Two storey side extension and rear offshoot |
| 08/03603/DEX Mr & Mrs Burke | 2 Maureen Terrace Carrville Durham DH1 1SN | Single Storey Extension to kitchen/Dining Room |
| 08/03604/DEX Calamander | 66 Gilesgate Durham DH1 1HY | Extension (single storey) and Alterations |
| 08/03605/DEX Mr & Mrs Thompson | 14 Percy Square Durham City DH1 3PZ | Rear Sun Lounge |
| 08/03606/PARTNR Scott Wilson | Seaham School Of Technology Burnhall Drive Seaham Co Durham SR7 0EN | Construct Concrete Foundation and Retaining Walls for biomass fuel storage silo and wall openings into boiler house for conveyor Tubes |
| 08/03613/DEX Mr & Mrs Ward | 22 Cartington Road Newton Hall Durham DH1 5YR | Single Storey rear extension and porch to front elevation |
| 08/03616/DEX Mr Reginald Gleason | 9 Relley Garth Langley Moor Durham DH7 8XU | Kitchen Extension and sun lounge to the rear replacing existing conservatory and first floor extension to front over existing garage enlarging bedroom |
| 08/03987/OTHDOM Mr & Mrs Oliver | 1 Deyncourt Durham City DH1 3QB | Ground Floor Shower Room |
| 08/03994/DEX Mr Gerry Hendry | 7 Blackburn Close Bearpark Durham | Erection of single storey utility room |
| 08/03997/DEX Mrs Margaret Jackson | 2 St Cuthberts Avenue Framwellgate Moor Durham DH1 5EP | Kitchen Extension - Single |

| Number and Applicant | Location | Proposal |
|-----------------------------------|--|--|
| 08/04139/DEX Mr & Mrs Winn | Land Adjacent 5 Midhill Close Brandon Durham DH7 8SL | Single Storey Dwelling |
| 08/04140/OTHC Bank Machine Ltd | 29B Prince Charles Avenue Bowburn Durham DH6 5DJ | Installation of an automated teller machine |

Building Notices

Between 04/09/2008 and 25/09/2008

Number of cavity wall insulation applications 116

| Number and Applicant | Location | Proposal |
|---|--|---|
| 08/03575/OTHDBN Adrian & Rachel Farley | 33 Goodwell Lea Brancepeth Durham DH7 8EN | Conversion of garage into habitable room |
| 08/03576/OTHDBN Phil Threlfall-Holmes | 6 St Johns Road Nevilles Cross Durham DH1 4NU | New En-suite and Downstairs Toilet |
| 08/03577/ELECBN Dr M Tallerman & Dr S J Hannahs | 98 Lindisfarne Road Newton Hall Durham DH1 5YQ | Solar Panels |
| 08/03614/OTHDBN Mr J & Mrs J Faini | 7 Norham Road Newton Hall Durham DH1 5NU | Small bay-windowed extension to rear of property |
| 08/03617/OTHDBN Lydney Tait | 2 Surtees Avenue Bowburn Durham DH6 5DZ | Replace flat roof on covered walkway and outhouse building with slated roof from gable end over outhouse |
| 08/03619/DEXBN Mrs Susan Davidson | 5 Front Street Sherburn Durham DH6 1HA | Single storey extension |
| 08/03810/GLAZBN Mr M J Manning | 32 Brancepeth View Brandon Durham DH7 8TT | UPVC Replacement Windows |
| 08/03993/OTHDBN David Van Buiten | 10 Sherburn Station Sherburn Durham DH6 1HX | Remove Chimney Stack |
| 08/03995/GLAZBN Andrew Teasdale | 5 Peel Avenue Gilesgate Durham DH1 2HU | Replacement of windows |
| 08/04136/OTHDBN Mr Jack Davis | 31 Beechfield Rise Coxhoe Durham DH6 4SB | Conversion of existing garage into gym, including removal of garage door, installation of window, insulation of walls, floor and ceiling/roof |

List of Regularisations

From 04/09/2008 to 25/09/2008

| Number and Applicant | Location | Proposal |
|--------------------------------|--|-------------------------------------|
| 08/03633/GLAZRG Paul Gray | 30 Victoria Court Ushaw Moor Durham DH7 7NQ | UPVC Windows fitted |
| 08/03985/OTHDRG Mr Metcalfe | 12 The Avenue Durham City DH1 4ED | Replacement dormer and velux window |

