

**City of Durham**

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 8<sup>th</sup> October, 2008, at 5.30 p.m.

**Present:** Councillor Norman (in the Chair)  
and Councillors Carr, Freeman, Holland, Howarth, Kinghorn, Marsden, Plews, Rae, Simmons, D Smith, Southwell, Stoddart, Taylor, Walker and Young.

**Also Present:** Councillors Kellett, Kelly and Robinson.

**215. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bell, Crooks, Dickie, Pitts, and Simpson

**216. MINUTES**

The Minutes of the Meeting held on 18<sup>th</sup> September, 2008, were confirmed as a correct record and signed by the Chair.

**Report of Head of Planning Services**

**217. REPORTS FOR INFORMATION**

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:

Appeal by Mr G Maw – Site at Coalford Lane, Littleton, Durham

- (b) Applications – Determined under Plenary Powers  
(c) Building Control Applications

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

**218. DECISIONS MADE BY THE COUNTY COUNCIL**

- (a) **CM4/08/636**                      **White House Farm, Pit House Lane, Leamside, Northumbrian Water Ltd**                      **Houghton-le-Spring, Tyne and Wear, DH4 6JQ**  
**Proposed provision of 3no. access tracks to provide maintenance access**

The above application was considered by the City Council under delegated powers on 29<sup>th</sup> July, 2008, when it was resolved to raise no objection.

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

- (b) **CM4/08/0057**                      **Unit N1, Turisdale Business Park, Turisdale, Durham, Van Dalen UK**                      **DH6 5PG**  
**Provision of metal recycling and end of life vehicle facility**

The above application was considered by the City Council under delegated powers on 20<sup>th</sup> February, 2008, when it was resolved to raise no objection.

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

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

**Note:** *Councillor Freeman entered the Meeting at 5.40 p.m.*

## 219. RECOMMENDATIONS ON OTHER APPLICATIONS

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

- (a) **08/00256/FPA**  
**08/00257/CAC**  
**M Toye**
- RWD Motor Body Repairs, Back Western Hill, Durham, DH1 4RG**  
**Erection of 5no. 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)**

**Resolved:** (i) That the application no. 08/00256/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 at 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 all 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.

(ii) That application no. 08/00257/CAC be **APPROVED** subject to the following condition:

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.

(b) 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 1no. three storey building to provide additional teaching facilities, cafe and creche (amended description)**

**Resolved:** 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.

(c) **08/00651/FPA**  
**Mr & Mrs Bainbridge**

**The Old Goods Yard, Commercial Road West,  
Coxhoe, Durham, DH6 4HJ**  
**Erection of two storey pitched roof block containing  
6no. residential apartments**

**Resolved:** 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.

(d) **08/00746/FPA**  
**T Macallan**

**7 Warwickshire Drive, Belmont, Durham, DH1 2LU**  
**Erection of one detached bungalow**

ITEM WITHDRAWN

(e) **08/00757/FPA**  
**Brett Brothers  
Developments**

**Land between 7 and 9 Middlewood, Ushaw Moor,  
Durham**  
**Erection of 6no. apartments in two storey block with  
accommodation in roofspace with associated  
parking and access (amended description)**

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

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



- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
- (3) - Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
- (4) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (5) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (6) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicular access and hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

(f) 08/00758/FPA  
08/00759/CAC  
D Crozier

**Former United Reformed Church, Claypath, Durham,  
DH1 1RH  
Change of use to restaurant (revised and  
resubmitted)**

**Resolved:** That the application no. 4/08/00758/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) - 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.

(ii) That application no. 4/08/00759/LB 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.
- (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.

The Meeting terminated at 7.00 p.m.

Chair

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

**12 November 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 S P Chivers  
Site at 51 Norburn Park, Witton Gilbert, Durham, DH7 6SG
  - b) Appeal by Mr and Mrs James  
Site at Triermayne, Nevilles Cross Bank, Durham, DH1 4JP
- 1.1 **Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
  - a) Appeal by Mr Stuart Brain  
Site at 48 Garden Terrace, Coxhoe, Durham, DH6 4EH
2. **Planning Applications – Determined under Plenary Powers**
3. **Building Control Applications – Determined under Plenary Powers**
4. **Decisions made by the County Council**

<b>Applicant No:</b>	CM4/04/654
<b>Applicant:</b>	P And B J Brown
<b>Location:</b>	White House Farm, Pit House Lane, Leamside, Durham, DH4 6QJ
<b>Proposal:</b>	Importation of waste in order to create an equestrian bund

The above application was considered by the City Council under delegated powers on 28 June 2004 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.

<b>Applicant No:</b>	CM4/08/418
<b>Applicant:</b>	Johnson Brothers
<b>Location:</b>	Land At Quarrington Farm, Old Quarrington, Durham, DH6 5NN
<b>Proposal:</b>	Proposed anaerobic digestion of agricultural mature, agricultural crops and potato waste facility to produce electricity and manure

The above application was considered by the City Council under delegated powers on 18 June 2008 when it was resolved to raise objection as the proposed anaerobic digestion facility would have an unreasonable impact upon the character and appearance of this part of the countryside by virtue of the scale of the proposed buildings and situation of the facility. Furthermore, the facility would be relatively isolated from the main farm complex and as such would not relate with existing structures, emphasizing its prominence. Accordingly the facility is considered to be contrary to Policies E7, EMP16, EMP17 and U15 of the City of Durham Local Plan 2004.

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:

<b>Number And Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Recommendation</b>
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**ITEM 1**

06/00657/FPA Circle Red Properties (Durham) Ltd	Land At Milburngate Durham	Mixed land use development incorporating 71 student flats on 3 no. upper floors, 3 no. ground floor retail units and lower ground floor restaurant	<b>Approve</b>
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**ITEM 2**

07/00375/FPA Mandale Commercial Ltd	Philips Components Belmont Ind Estate Durham DH1 1TG	Erection of new office units and conversion of existing buildings to offices plus 720 car parking spaces (Phase 2 of overall development)	<b>Approve</b>
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**ITEM 3**

08/0158/FPA + 08/0159/CAC 3D Land And Property	Land To Back Silver Street (Rear 21 Market Place) Durham	Demolition of existing garage block and site structures and erection of 2 blocks of three and five storeys in height comprising 1 no. commercial unit (Class A1), 1 no. office unit (Class A2) and 3 no. apartments	<b>Approve</b>
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**ITEM 4**

08/00631/FPA Mr P Smith	85 Gilesgate Durham DH1 1HY	Conversion of existing roofspace and 2 no. study rooms to create 4 no. additional bedrooms, totalling a 12 no. bedroomed house in multiple occupation, including erection of 2 no. rooflights, and 1 no. additional window to the north elevation	<b>Refused</b>
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**ITEM 5**

08/00802/FPA Mr E Clark	20 Whinney Hill Durham DH1 3BE	Erection of two storey pitched roof extension to side and rear of existing dwelling and single storey pitched roof extension to rear	<b>Approve</b>
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## ITEM 1

<b>06/00657/FPA</b>	<b>Land At Millburngate, Durham</b>
<b>Circle Red Properties (Durham) Ltd</b>	<b>Mixed land use development incorporating 71 student flats on 3 no. upper floors, 3 no. ground floor retail units and lower ground floor restaurant</b>

### SITE AND APPLICATION DESCRIPTION

The land upon which this development is proposed lies on the western edge of Millburngate. To the north stands the listed St Anne's Court, to the south Yates public house and associated service yard. Millburngate Shopping Centre lies to the east, while Tenter House, a presbytery, stands in an elevated position at the head of Tenter Terrace to the west. Although categorised as a "Greenfield" site, antiquarian records indicate that the site was substantively developed until the early 1960s, when both industry and housing occupied this land.

The proposed development would take the form of a series of interconnected elements. A two storey building with third floor accommodation within the roof space would stand at the northern end of the site, rising to a three storey building with third floor roof space accommodation to the south, then a four storey building beyond and further to the south. A six storey tower at the site's south east corner would then form a link with a further four storey building at the southern edge of the land.

The architect's objective is to create a collage of individual yet distinct linked blocks, with differing architectural expressions that reflect the character of familiar Durham built forms whilst avoiding pastiche. Accordingly, the northernmost building would employ slate clad "catslide" dormers and zinc clad box oriel windows, while the adjoining building would use more contemporary detailing to windows and eaves combined with slate clad dormers to the roof. This element of the development would also incorporate an arcade at ground floor level within which part of the retail provision would be located.

The third building would include more oriel windows, lead-clad spandrels and soffits, and exposed steel framing and balustrading to create a contemporary effect but with local vernacular references, with a passing allusion towards the site's industrial past. Stone arches at ground floor level containing further shop frontages seek to unify this block with that immediately to the north.

The corner tower, or circulation core, which will contain staircases internally linking each floor, has been designed to visually turn the south east corner of the site yet provide a visual break between the architectural elements to each side. This building will be predominantly of glass and exposed steel, and be of a highly contemporary appearance.

Finally, the most southerly building will be of a contemporary style consistent with other recent city centre developments, with a mostly rendered finish, random coursed stone base, and lead effect fascia with a similar treatment to window surrounds.

The built development will be positioned back of kerb abutting Millburngate to form strong streetscape, curving at the site's southern end to face the Yates service yard. The highest elements are at the lower points on the site. A raised footpath would run along the eastern frontage, passing beneath the aforementioned arcade, and dropping to road level at the southern end via steps that would terminate at the base of the corner tower next to its main entrance.

The western part of the site, which rises steeply towards Tenter Terrace and contains quite dense vegetation, will remain undeveloped and be supported by a retaining wall.

In terms of accommodation, 71 self catering student flats would be located on the third, second, first, and part of the ground floor. A management office and three retail units with refuse store would occupy the ground floor, while the lower ground floor would be occupied by a restaurant and kitchen, refuse store for both the kitchen and flats, a plant room and an electricity substation. A service lift would connect all floors to the refuse store. A personnel lift and staircase would be located within the entrance tower. An internal fire escape would link all floors to a rear ground floor exit.

Mindful of the fragile and sensitive nature of the listed St Anne's Court adjoining the application site to the north, and the specific ground characteristics, the applicants have sought specialist engineering advice concerning impact mitigation. By employing a contiguous piling system, whereby continuous flight angle piles are cast in place, the process is maintained to be virtually vibration free. The geotechnical characteristics peculiar to this site are also stated to have been fully assessed and addressed. Furthermore, to further minimise impact upon neighbouring properties and their occupiers, the location of a flexible compound would be adjusted as construction work progresses, there would be working hours restrictions, and the appointment of a person to liaise with neighbour issues should they arise.

Servicing arrangements, during both the development's construction phase and the completed building's operation, have been addressed by the applicants in a Highway Works Methodology statement.

This application is supported by a Design and Access Statement, a Protected Species Survey Report, Landscape Assessment and Planting Proposals, an Arboricultural Implication Assessment, Ground Investigation Report and an Archaeological Desk-Based Assessment.

## **RELEVANT HISTORY**

The City Council's Cabinet agreed the disposal of this site for development in February 2004 (Minute 582). Subsequently, following a competition, the current applicants were chosen as preferred bidders. A Development Brief was produced by the Council to assist with the marketing and disposal of the site, as well as inform pre-application discussions.

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

Planning Policy Statement 6: Town Centre's, sets out the Government's key objective for town centres is to promote their vitality and viability by: planning for the growth and development of existing centres; promoting and enhancing existing centres, by focusing development in such centres; 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 13: Transport states the objectives of integrating planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

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

Planning Policy Guidance 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.

Planning Policy Guidance 16: Archaeology and Planning sets out the Government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside. It gives advice on the handling of archaeological remains and discoveries through the development plan and development control systems, including the weight to be given to them in planning decisions and planning conditions. Explanation is given of the importance of archaeology and of procedures in the event of archaeological remains being discovered during development.

## **REGIONAL POLICY**

The North East of England Plan – Regional Spatial Strategy to 2021 (RSS) July 2008 sets out a broad development strategy for the North East region for the period up to 2021.

RSS Policy 9 – Tyne and Wear City Region – seeks to encourage the polycentric development and redevelopment of the City-region by, at (b) “ensuring a scale and quality of development to reflect Durham City’s unique character and its role as a major service and employment centre for its surrounding hinterland”. Bearing in mind that para. 2.99, supporting this policy, notes that the relatively small City Centre restricts a wider sub-regional role, appropriate development on sites such as West Millburngate can enhance the City Centres offer and help to achieve the RSS policy aim.

### **LOCAL PLAN POLICIES**

Policy E3 (World Heritage Site – Protection) seeks to safeguard the setting of the WHS in both short and long distance views, and respect the inter-visibility between the WHS and its surroundings.

Policy E5A (Open Spaces within Settlement Boundaries) has the objective of protecting spaces which possess important functional, visual or environmental attributes within settlement boundaries and contribute to the character of those settlements.

Policy E6 (Durham (City Centre) Conservation Area) seeks to protect the character and appearance of Durham’s most central Conservation Area.

Policy E21 (Conservation and Enhancement of the Historic Environment) requires new development to have a minimal adverse impact on features of historic interest within or adjacent to its siting.

Policy E24 (Ancient Monuments and Archaeological Remains) requires the preservation of significant archaeological remains.

Policy H7 (City Centre Housing) encourages new residential accommodation within or conveniently close to the city centre provided that it is in scale and character with its surroundings

Policy H13 (Residential Areas – Impact upon Character and Amenity) is designed in part to protect amenity levels for those living in residential areas.

Policy H16 (Residential Institutions and Student Halls of Residence) allows for purpose built student accommodation if well related to facilities and public transport and if it does not detract from its surroundings.

Policy S7 (Individual Shop) allows for small individual shops within settlement boundaries provided they do not impact on the vitality and viability of other shopping centres, nor impact harmfully on the character of their surroundings.

Policy S10 (Food and Drink) allows for Class A3 uses within settlement boundaries provided they are in scale and character with their surroundings and do not prejudice residential amenity.

Policy T1 (Traffic Generation – General) precludes development that would generate traffic levels prejudicial to highway safety.

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.

## **OTHER PLAN DOCUMENTS**

West Milburngate forms part of the **Central Quarter** in the 2020 Vision City Centre Masterplan. In this context it will be re-inforced as the focus of traditional City Centre activities. More intensive activity is expected to take the form of more intensive development of available land, more intensive use of existing business space to provide more and better shopping, greater opportunities for City Centre employment and more City Centre residential units.

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

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

Initial concerns by the County Highway Authority regarding the servicing of this proposal, both during construction and when operational, have now been largely overcome. Agreement has been reached between highway engineers acting for the applicants and the Highway Authority in respect of a strategy, which shall include the specific timing of large deliveries, the holding of such traffic on Framwellgate Waterside pending the release of temporary standing space immediately in front of the site, the temporary removal of an existing bus shelter combined with raised areas for bus passengers to board and alight such vehicles, construction worker parking away from the site, delivery time restrictions, clear directional signs and barriers, and permanently manned site entrance gates.

Thereafter, servicing would be time-restricted via the most northerly of the Milburngate bus stops, outside the operating period of the Durham Park and Ride service which currently uses the stop. Time-restricted use of an existing Milburngate lay-by adjacent to the application site would also be permitted.

Subject to an adherence to this strategy and to other highway related planning conditions, the Highway Authority would not now wish to oppose this application.

The County Archaeologist has studied the submitted archaeological evaluation of the site, and accepts the conclusions that archaeological remains lie beneath this land, but that none would justify preservation in situ. Accordingly, a planning condition is requested, should consent be granted, requiring an agreed programme of archaeological works including, where appropriate, publication of results in accordance with an approved mitigation strategy.

Northumbrian Water raises no objections subject to early contact being made with the Water Authority by the developers in respect of mains connections.

The Environment Agency does not wish to object to this application.

Natural England is satisfied that no adverse impact upon protected species is likely to result from this proposal, but requests a planning condition, should consent be granted, requiring full adherence to the submitted protected species mitigation strategy.

English Heritage, involved by the developers throughout the evolution of the design, is now satisfied that the setting of the World Heritage Site will not be adversely affected. It is also broadly content with the scale and massing of the scheme, and its impact upon the setting of the neighbouring St Anne's Court listed building and upon the character and appearance of the Conservation Area, provided that a high standard of architectural detailing is ensured. Furthermore, a clear mitigation strategy addressing the minimisation of impact upon St Anne's Court during the construction phase is expected.

## ***INTERNAL RESPONSES***

The City Council's Heritage and Design Manager supports this proposal, believing it to be entirely compatible with the character and appearance of the Conservation Area and a piece of worthwhile townscape.

## ***PUBLIC RESPONSES***

A number of letters of objection have been received. Their authors include the local Member of Parliament, the City of Durham Trust, neighbouring residents of St Anne's Court, and several other concerned city residents.

Following initial publicity concerning the originally submitted scheme, the applicants and their agents amended the design in a number of ways, including the reduction in height of certain elements, treatment of windows, and modification of materials and architectural detailing to address early expressions of concern by my office, members of the public, and English Heritage. However, as no withdrawal of objections have been received following those re-consultations, I am reporting all objections received, at whatever stage, as remaining material to the consideration of these latest and definitive proposals.

The MP considers this proposal to represent the overdevelopment of a small site. She considers the land to be vital green space within the city centre, and the scheme inappropriate to the location.

The City of Durham Trust considers this proposal to have been designed without reference to its physical context. The impact upon St Anne's Court, overdevelopment of a small site, absence of a need for additional student housing, and lack of parking and servicing opportunities are further reasons cited for the Trust's strong objections.

Letters of objection have been received from, or on behalf of, three St Anne's Court, and five St Godric's Court (the adjoining property) residents. A letter has also been received from St Anne's Limited which I understand to be the holding company of both the St Anne's and St Godric's buildings.

Some of these letters relate to the originally submitted scheme, others to the final amended submission but, as stated above, I shall report all concerns.

The key issues raised are the scale and massing of the proposed development, the height in particular being a cause for concern; the impact upon St Anne's Court and St Godric's in terms of overshadowing, diminution of privacy, and potential harm to both the structure and setting of the listed building; inappropriate choice of materials; overdevelopment of the site; loss of important views of the castle and cathedral from the foot of Castle Chare; lack of parking and servicing provision, with a specific objection to the possible temporary use during restricted hours of disabled parking spaces in Millburngate; inadequate means of escape for student flat residents and inadequate bin storage provision; disruption to Millburngate traffic movement during construction; and a perceived harm to the appearance and character of what is considered to be an unspoilt and historically important part of this historic and cherished city. The need for additional student accommodation and shops in the city centre is also questioned; particularly at a time that many student houses are still vacant in the area and a number of shops remain empty.

Finally, letters of concern have been received from six other Durham residents. They broadly reflect the views of neighbouring residents already reported.

As some time has subsequently passed since those re-consultations and further, albeit minor, elevational amendments have taken place, neighbour consultations have been carried out once more. Once again, no earlier objections have been withdrawn, and several further objection letters have resulted.

Four have been received from, or on behalf of, St Anne's Court residents, one from a Tenter Terrace resident, three from other city residents, and one from the City of Durham Trust. They broadly reiterate the issues already raised.

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

## **PLANNING CONSIDERATIONS**

### **SUMMARY OF PLANNING ISSUES**

The acceptability or otherwise of this application rests primarily upon its potential impact on the Durham Castle and Cathedral World Heritage Site and the Durham (City Centre) Conservation Area, impact upon those living close-by, and whether it is likely to lead to conditions prejudicial to highway safety.

The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 requires Local Planning Authorities, when assessing development proposals within Conservation Areas, to be satisfied of the ability of those proposals to preserve or enhance the character and appearance of such areas prior to granting planning permission.

Prior to examining these issues, I wish first to address the principle of the development of its site.

A decision to sell the site for development purposes was made by Cabinet in February 2004, (Minute 582). That decision was subsequently reflected by the site's inclusion, in August 2006, within the emerging Local Development Framework (LDF) document relating to the City Centre, and its designation as a development site (CCP3q – West Millburngate). I therefore consider the issue of the principle of the development of this site to have been accepted by the City Council.

The land in question lies at the very heart of the City Centre Conservation Area, and is both prominent and highly sensitive, not only as a result of its position within the setting of the World Heritage Site, but also due to its immediate proximity to an important listed building.

The primary consideration must therefore be whether harm to the character and appearance of the Conservation Area would result from this proposal being approved, and then whether the settings of the World Heritage Site and listed building would suffer.

Inevitably judgements relating to scale and massing, architecture, and choice of materials are subjective. However, that subjectivity can be better informed by seeking the advice of specialists, and I have sought such advice from officers of the Council's Heritage and Design team and English Heritage. The consensus is that the scale and massing are totally appropriate for a prominent city centre location, assuming a presence compatible with the substantial buildings that will surround the development in the form of the Millburngate Shopping Centre, St Anne's Court, Yates, and even the Tenter Terrace presbytery due to its elevated position. Care has been taken to avoid conflict with the World Heritage Site and the listed St Anne's Court and to make best use of the site contours, and one element of the scheme was lowered by a storey during the course of extensive and lengthy negotiations with both my office and English Heritage to address concerns. In addition, a number of other changes have taken place towards the same goals.

Although both precious and historic, Durham has the capacity to both absorb and embrace contemporary architecture provided that it acknowledges the local vernacular, and bestows a sense of place that is Durham City. There is a place for pastiche, but this does not move architecture forward, and the architects of the scheme now under consideration have made a conscious decision to design a modern representation of Durham. By respecting the site's past – the use of exposed steelwork on some elements reflect the industrial building that once stood on the land prior to terraced housing; by employing contrasting linked blocks drawn together with the use of compatible materials to create both modulation and a streetscape rhythm; by using vernacular references such as oriel windows, an elevated walkway linking to road level by steps, and a rich mixture of brick, stone and render; and by introducing a dramatic glazed corner tower, I am persuaded that this proposal represents, in architectural terms, a both sensitive and exciting opportunity for Durham.

Accordingly, I take the view that this proposal does meet the test posed by section 72 of the 1990 Act in being capable of not only preserving but indeed enhancing the character and appearance of the Durham (City Centre) Conservation Area, and in doing so satisfies the objectives of Local Plan Policies E6 and E21 which seek to protect the character, appearance and setting of the city's central Conservation Area and Durham's Castle and Cathedral World Heritage Site, and by association satisfies the requirements of PPG15. I also consider there to be no conflict with the objectives of Local Plan Policy E5A, designed to protect important open spaces within the city that possess functional, visual or environmental attributes, due to Cabinet's decision to dispose of the site for development purposes.

Careful consideration has been given to the impact of this proposal upon neighbouring residents, and whilst it is inevitable that they will be very aware of its presence, I am satisfied that it will neither dominate nor overshadow St Anne's Court. I am equally satisfied that the disposition and orientation of windows will ensure privacy will not be compromised. As a result, I do not consider the objectives of Local Plan Policy H13 to be compromised.

Extensive efforts have been made to gain an understanding of the archaeological and geotechnical characteristics of the site by specialist consultants. The County Archaeologist is satisfied that matters have been addressed in a professional manner, and I am persuaded that the impact on neighbouring residents can be minimised through sensitive working practices, and that a mitigation strategy can be achieved which will ensure no physical harm to the listed building results. Planning conditions requiring a rigorous mitigation strategy in that regard would be imposed on any consent, and not discharged without the agreement of the City Council's structural engineer. I therefore consider this scheme to be compliant with Local Plan Policy E24.

PPG14 is quite specific as to the role of the planning process in respect of application site ground conditions. The responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or the landowner. Furthermore, in section 20 of this guidance, it is stated that "it is **not** the responsibility of the local authority to investigate the ground conditions of any particular site unless **they** propose to develop it."

In terms of the land uses proposed, I consider them all to be entirely appropriate to this City Centre location. The proposals are entirely consistent with the aims and aspirations for the **Central Quarter** contained within the 2020 Vision Masterplan for Durham City Centre. Local Plan Policy H7 encourages new housing on sites within or conveniently close to the City Centre, and although new housing would normally be resisted on a "green field" site such as this, Policy H16 allows an exception where specialist housing is proposed.

I acknowledge what has been said regarding a current oversupply of student housing, but would argue that this is a result of the University providing a substantial number of new student bed spaces on campus, a strategy welcomed by this Council in having the effect of



returning many private houses formally in student occupation to the open market. This is entirely in line with this Council's aspirations for balanced communities. The provision of additional purpose built student accommodation does not undermine these objectives, and is a commercial decision by the applicants. I therefore consider these proposals compliant with Policies H7 and H16.

I similarly acknowledge that there are vacant shops in the city centre. However, this is an entirely appropriate location for retailing and a restaurant, and this is once again a commercial judgement that the developers are entitled to make. Accordingly the objectives of Policies S7 and S10 are met by appropriateness of location.

The County Highway Authority has determined that the interests of highway safety will not be compromised by this proposal. That there is no parking or servicing provision on site is acknowledged and accepted. This is considered neither unusual nor unacceptable in a city centre location. Those owning a car, and ownership is inevitably far less among students than among other sections of the public, would have access to public car parks close by. Servicing can take place from designated areas during set times within North Road. Whilst perhaps not as convenient as from Millburngate, the situation has been accepted by the applicants, and is again a commercial decision legitimate for them to take. An approach has been made to the Highway Authority concerning the limited use of disabled parking spaces adjacent to the application site, but this application's acceptability in highway safety terms is not dependant upon that approach being successful. I am bound to attach appropriate weight to the Highway Authority's views, so must conclude that the objectives of Policies T1 and T10 have been satisfied.

Finally, I am aware of the site's restricted nature, and the logistical problems that arise in its development. However, this is not a reason in itself to deny planning consent, and it has been made clear to the applicants that a build strategy would have to be agreed with the local planning authority prior to any development commencing.

I am therefore of the opinion that this development has much merit despite the site's constraints and understandable concerns, particularly for those who live close by. This as an exciting opportunity to create a positive addition to Durham's City Centre. I have taken into account all other material issues raised, including bin storage, the evacuation of the flats, and impact upon views of the World Heritage Site, but none persuade me otherwise than to offer this proposal my full support.

## **CONCLUSION**

From a design perspective this application has precipitated, not surprisingly, some divided opinions as a result of its assertive and contemporary form, and both prominent and sensitive location. However, it is the role of the planning system to measure such proposals objectively against planning policy, and this I have done, taking full account of specialist advice received.

In terms of scale and massing, English Heritage is content that the World Heritage Site and Conservation Area will not be harmed by this development, although it remains cautious concerning the architectural detailing, which I consider can be dealt with by planning conditions in view of the reassurance I take from the amended drawings, and the necessity for mitigation measures to ensure minimum impact upon adjacent buildings and their occupants.

The Highway Authority has agreed access to the site during the construction and operational phases, and advises me that conditions prejudicial to highway safety are unlikely to result from such activities.

Finally, I consider this to be a sustainable location for student accommodation, well placed for all city facilities without reliance upon the private car. While by the same token, the provision of shops and restaurant in this location should revitalise a street that is currently merely a thoroughfare through which people pass on their way to other destinations.

## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. 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 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 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 within 3 months of development commencing. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority within 6 months of development commencing, 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 within 3 months of development commencing and thereafter implemented in accordance with the approved scheme.
7. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority within 3 months of development commencing, and thereafter implemented in accordance with the approved scheme.
8. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until detailed drawings including cross sections showing the existing and proposed site levels, including means of ground retention structures and walls and the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Before development is commenced the developer must meet on site with the Local Planning Authority to establish the site levels to be used in the development. The development shall be thereafter completed in accordance with the agreed details.

9. Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all pilasters, fascias, corbels, leadwork and weathering, drawn to a scale of 1:5 shall be submitted to, and approved in writing by the Local Planning Authority within 6 months of development commencing, being thereafter completed in accordance with the agreed details.
10. 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 18 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.
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 until a programme of archaeological works has been undertaken, including where appropriate the publication of results, in accordance with a mitigation strategy agreed in writing with the Local Planning Authority.
13. 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.
14. The ventilation and extraction/filtration equipment approved relative to condition no. 13 shall be used at all times when hot food is being prepared and served on the premises.
15. Prior to any occupation of this development, full details of bin storage and refuse collection shall be agreed in writing with the Local Planning Authority and the development carried out in complete accordance with the agreed details
16. Prior to any development commencing, full details of site access during the construction period of the development and arrangements concerning cabins, compound and any other structure or machinery location shall be agreed in writing with the Local Planning Authority and the development carried out in complete accordance with the agreed details.
17. Prior to the commencement of each relevant section of construction, a mitigation strategy concerning the impact upon the neighbouring listed building and its occupants shall be agreed in writing with the Local Planning Authority and the development carried out in complete accordance with the agreed details

18. Prior to any occupation of the development a lighting strategy designed to minimise light pollution within the Conservation Area and setting of the World Heritage Site shall be agreed in writing with the Local Planning Authority and the development carried out in complete accordance with the agreed details
19. Prior to any occupation of the development, the location of any required electricity substation within the application site shall be agreed in writing with the Local Planning Authority, and thereafter be positioned in that agreed location.
20. Prior to any occupation of the development, its servicing arrangements shall be agreed in writing with the Local Planning Authority, and thereafter implemented in accordance the agreed details.
21. Construction operating hours shall be confined to between 8 00 am and 6 00 pm Monday to Friday, and 9 00 am to 2 00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.

## **BACKGROUND PAPERS**

Submitted application forms, drawings, and supporting documents that include a Design and Access Statement, a Protected Species Survey Report, Landscape Assessment and Planting Proposals, an Arboricultural Implication Assessment, Ground Investigation Report and an Archaeological Desk-Based Assessment, and a Highway Works Methodology for Construction Phase and Long Term Servicing report.

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Statements / Guidance PPS1, PPS3, PPS6, PPS9, PPG13, PPG15 and PPG 16

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

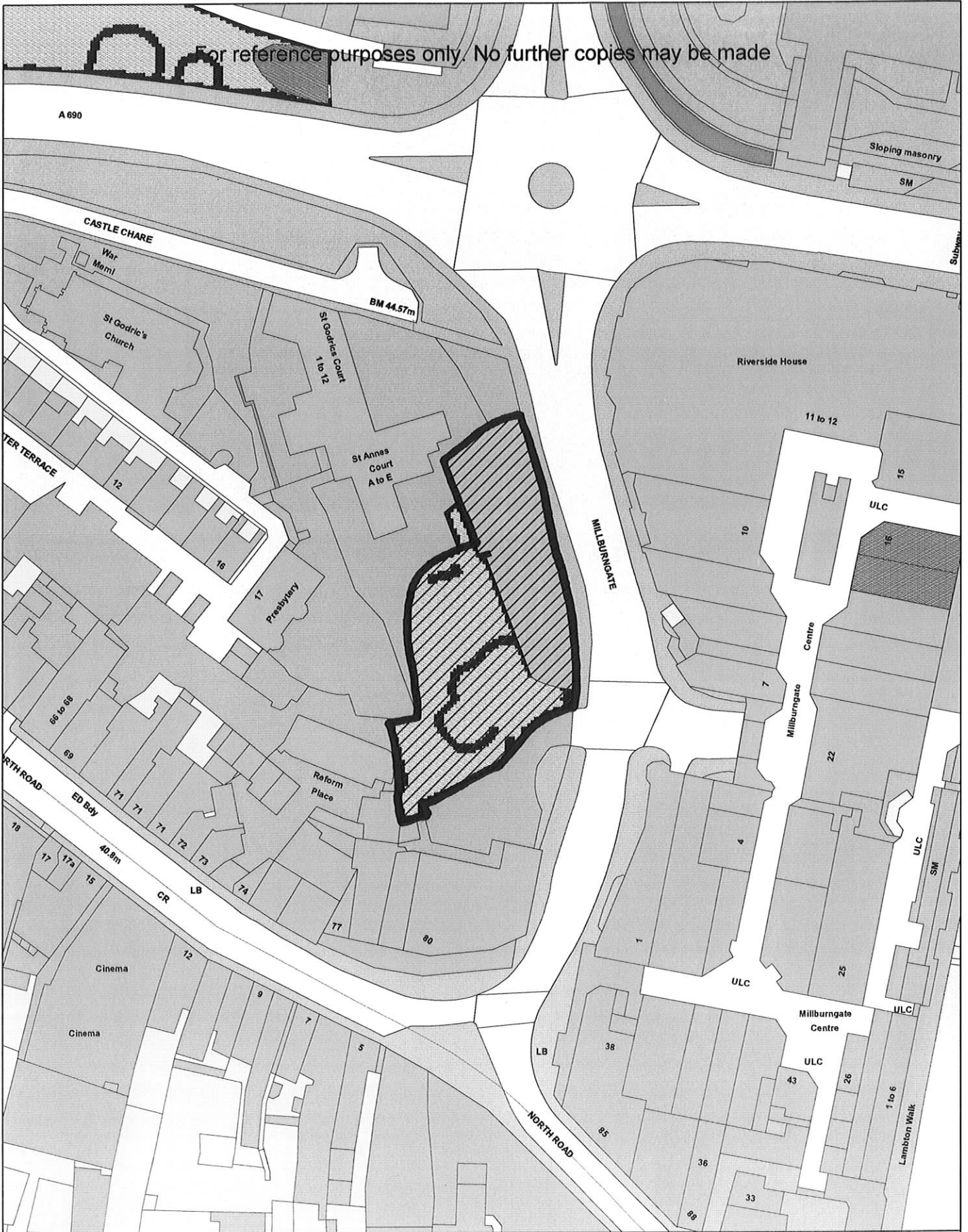
City of Durham Local Plan 2004

2020 Vision Masterplan for Durham City Centre

Policy for Balanced and Sustainable Communities, City of Durham, June 2007

Evidence Gathering – Houses in Multiple Occupation and possible planning responses, Communities and Local Government, September 2008

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

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Application No. 4/06/00657/FPA

Land At Millburngate, Durham

Comments

Date

31 October 2008

Scale

1:1000



## ITEM 2

<b>07/00375/FPA</b>	<b>Philips Components, Belmont Ind Estate, Durham, DH1 1TG</b>
<b>Mandale Commercial Ltd</b>	<b>Erection of new office units and conversion of existing buildings to offices plus 720 car parking spaces (Phase 2 of overall development)</b>

### **SITE AND APPLICATION DESCRIPTION**

The former Philips Components site lies within the north eastern part of Belmont Industrial Estate, which in turn is situated on the northern edge of the Durham City central urban area.

The site has already been partially redeveloped for office use by the applicants to the extent of a 4620 sq m B1 use class office space provision, 220 car parking spaces, and a class B3 restaurant.

Phase 2 of the site's redevelopment is now proposed, consisting of 37455 sq m of B1 office floor area, 4272 sq m of B8 storage, and a 192 sq m B3 restaurant. 759 staff car parking spaces, 200 car-share spaces, and 35 visitor spaces would be provided.

The layout would be a logical extension of phase1, which takes access from the industrial estate's main spine road at three points. A series of courtyards would be served by a number of avenues, each courtyard comprising detached two and three storey office buildings arranged around landscaped parking areas.

The whole of the site would be landscaped, with a central east – west running landscaped corridor devoted to a pedestrian way, a landscape buffer along the eastern boundary abutting the A1(M) motorway with adjoining landscaped sitting area, and an ecologically sensitive area in the north east corner of the site remaining open.

The buildings will be of contemporary design, some being new build and some adaptations of the framework and roofs that remain of partially dismantled former Philips buildings. The architectural style would echo that of phase 1, with extensive use of shallow pitched composite panel roofing, and generously glazed elevations combined with aluminium curtain walling, ceramic panelling and feature brickwork.

The application is supported by a Design and Access Statement, Flood Risk assessment, Ecological Report, Transport Statement and Green Travel Plan.

### **RELEVANT HISTORY**

Planning permission was granted in August 2006 for phase 1 of the development of the former Philips site for office use, plus the provision of a small café.

### **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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms, takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

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 13: Transport, has as its objective the integration of 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 recognize that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

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

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

### **REGIONAL POLICY**

North East of England Regional Spatial Strategy to 2021 (RSS) Policy 4 advocates a sequential approach to the identification of development sites, in particular avoiding areas of high risk of flooding. In priority order, the most favoured sites would be on previously developed land within urban areas, particularly around public transport nodes.

Policy 19 favours city or town centre locations for office development unless alternative sites have already been allocated within adopted development plans.

### **LOCAL PLAN POLICIES**

Policy EMP5a identifies Belmont Industrial Estate as a prestige industrial estate suitable for use class B1 office use.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

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

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be



subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

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

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

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 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 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 [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).*

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The Highways Agency considers the traffic generated by this proposal to have the potential to materially impact upon the A690/A1(M) Carrville Interchange, at motorway junction 62. This has been the subject of considerable discussion between the Agency and the applicants' highways consultants. The conclusion is that, subject to a number of off-site highway improvement measures and adherence to a Green Travel Plan, planning permission would not be opposed. However, these measures must be in place prior to any activity associated with such a consent starting, other than building and infrastructure construction.

The County Highway Authority takes a similar view, although concluding that the Broomside Road/estate access road signal controlled junction offers limited scope for improvement. This will inevitably lead to congestion and delays at peak periods, but not to a degree that conditions prejudicial to highway safety will result.

Northumbrian Water offers no objections.

The Environment Agency has withdrawn an initial objection following the submission of a revised Flood Risk Assessment, subject to any planning approval being conditional upon full adherence to the terms of that amended document.

Natural England raises no objections, but points to lost opportunities for the retention of unprotected ecological habitats through the filling of lagoons. Compensatory measures are encouraged.

The North East Assembly has concluded that this proposal is in general conformity with the objectives of the RSS. However, a sustainable form of development is urged, with due account taken of renewable energy use, flood risk mitigation and a Sustainable Urban Drainage Scheme.

One North East is broadly supportive of this proposal, considering it capable of providing employment opportunities in a suitable location. A sustainable form of development is encouraged.

### **INTERNAL RESPONSES**

The City Council's Heritage and Design Manager supports the design approach taken, and the opportunities created for meaningful landscaping. However, the introduction of art within the scheme is viewed as being important.

The City Council's Environmental Health Officer comments only that the restaurant kitchen should be adequately ventilated, and odours and noise controlled.

### **PUBLIC RESPONSES**

Belmont Parish Council offers no objects, but questions the height of the proposed buildings.

A resident of Swinside Drive, Carrville, who lives beyond the motorway to the east, is concerned about the height of some of the proposed buildings, which he considers will dominate the neighbourhood within which he lives. Furthermore, the construction of a footbridge across the motorway, linking the industrial estate with Carrville, is considered to be essential to reduce motorised traffic movements between the two, and it is requested that this be paid for by the developer.

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

## **PLANNING CONSIDERATIONS**

### **SUMMARY OF MAIN ISSUES**

The acceptability of this proposal turns upon the appropriateness of the land use, scale, design and layout, and the implications of the level of traffic likely to be generated.

As phase 2 of an already approved and implemented office park, within a prestige industrial estate allocated within an adopted Local Plan, the acceptability in principle of the land use is self evident. Compliance with the objectives of RSS Policies 4 and 19, and Local Plan Policy EMP5a has therefore been achieved.

Having sought the advice of the Council's Heritage and Design Manager, it is also my conclusion that this is a well considered design, with crisp modern buildings imaginatively arranged around and within landscaped areas, parking areas broken up across the site to reduce their visual impact, and effective segregated pedestrian circulation routes with the provision of attractive sitting areas. Accordingly, I consider the objectives of Local Plan

Policies Q1, Q2, Q3, Q5 and Q7 to have been satisfied, and the opportunity for Policy Q15 to be fully addressed.

The County Highway Authority accepts the parking provision offered, therefore Policy T10 is satisfied

The major issue which has delayed the determination of this application is its impact on both the local road network and upon the motorway trunk road junction.

In August 2007 planning permission was granted for a substantial office development on land to the south east of New Ferens Park to the south west of the Mandale proposal. This was conditional upon a number of off-site highway improvements being carried out. To date these conditions remain undischarged and the development unstarted, therefore these works would now fall to Mandale to implement, together with additional works necessitated by the greater scale of this proposal. This the applicants accept, although there would be mutual benefits from the two parties working together to split the not insubstantial costs.

However, which developer pays is unimportant from a planning standpoint. What is important is that the proposal now under consideration is considered to be acceptable by the highways bodies, subject to a combination of highway improvements and adherence to a Green Travel Plan. Thus the objectives of Policy T1 can be satisfied.

Finally, I have taken into account concerns expressed by the Parish Council and the Carrville resident concerning the heights of the proposed buildings, but am unable attach much weight to these issues given the considerable distance between the private properties in question and the application site. Whilst there will be two three storey buildings with central raised atria next to the motorway boundary, existing mature tree planting along the site edge will mitigate visual impact when viewed from a distance, as would the use of muted colours, which can be a condition of any planning consent.

The industrial estate is already connected to Carrville by an over-bridge to the A1 motorway although the pedestrian linkages could be improved and could potentially help to offset car journeys. The construction of a new pedestrian bridge is completely outside the control of the applicants, and would no doubt necessitate lengthy negotiations with the relevant highways bodies and landowners.

## **CONCLUSION**

On balance I consider this application to be acceptable, subject to a number of conditions. It represents continuing investment in Durham by the applicants through the reuse of a previously developed site, and this is to be welcomed, while the highway improvements required of the developers will also have wider benefits.

The scheme is well designed which is appropriate to one of the City's prestige industrial estates, offering accommodation with the potential to both retain existing but expanding businesses already in the area, and to attract new economic activity to Durham.

This is fully compliant with national, regional and local planning policies, and so has my full support.

## RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. 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.
6. 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.
7. 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.
8. 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.

9. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
10. The development hereby permitted shall not begin until full details of the matters listed below have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details:
  - i. facilities for the storage and collection of refuse, to be provided before the use commences;
  - ii. equipment for the treatment and extraction of fumes and odours, to be provided before the use commences.
11. The equipment referred to in Condition (ii) shall be operated and maintained in accordance with the manufacturer's instructions.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
13. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
14. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.
15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA ref no W11141/L18/001-C) and the following mitigation measures detailed within the FRA: Limitation of the surface water run - off generated by the development as described by the table in paragraph 4.2.2 on page 6.
16. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1(M) shown in principle on RPS Drawing No.TR03 have not already been implemented or are not already in the process of being implemented, then these same improvements to Junction 62 of the A1(M), as illustrated on RPS Drawing No.TR03 shall be completed in accordance with the approved drawings. The works shall also include the southbound exit slip road marking improvements as shown on WSP Drawing No.0882/GA/07 Rev A. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency.
17. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1 shown in principle on RPS Drawing

No.TR03 have already been implemented or are in the process of being implemented, then the additional road marking improvements to the southbound exit slip road shown on WSP Drawing No.0882/GA/07 Rev A shall be completed in accordance with the approved drawings. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency.

18. Prior to first use or occupation of any part of the development, the Travel Plan document shall be finalised and agreed in writing by the local planning authority and Highways Agency. The Travel Plan shall include person trip generation, mode share targets and outcomes (within the specified timescales), which have been agreed by the local planning authority and Highways Agency.
19. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the local planning authority. This post shall remain for as long as the site is occupied, and the local planning authority shall be informed immediately of any personnel changes in this role.
20. A detailed travel survey shall be undertaken on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the local planning authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the trip generation, mode share targets and outcomes (within the specified timescales) that have been agreed in the Travel Plan (refer to Condition 18).
21. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have not been implemented or are not in the process of being implemented, then these same improvements to the highway junctions at Belmont Business Park Access Road junction with Broomside Lane, A690 Southwest Bound Off Slip Road junction with Broomside Lane and Broomside Lane and Alma Place Mini roundabout, shall be completed in accordance with the approved drawings. In addition the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF.
22. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have been implemented or are in the process of being implemented, then the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF.
23. Prior to first use or occupation of any part of the development, the footway/cycleway alongside Broomside Lane shall be extended as shown on WSP Drawing No. 11170882/0882/GA/06/RevF.
24. Prior to first use or occupation of any part of the development, the improvements to bus infrastructure shown on Figure 52 of WSP Transport Assessment 11170882 shall be implemented.
25. Prior to the occupation of the approved buildings, the bus service referred to in the submitted Travel Plan shall be fully operational, and continue as such for at least 5 years from the date of first building occupation.

## **BACKGROUND PAPERS**

Submitted application forms, supporting documents and drawings

Planning Policy Statements / Guidance PPS1, PPS9, PPG4 and PPG 13

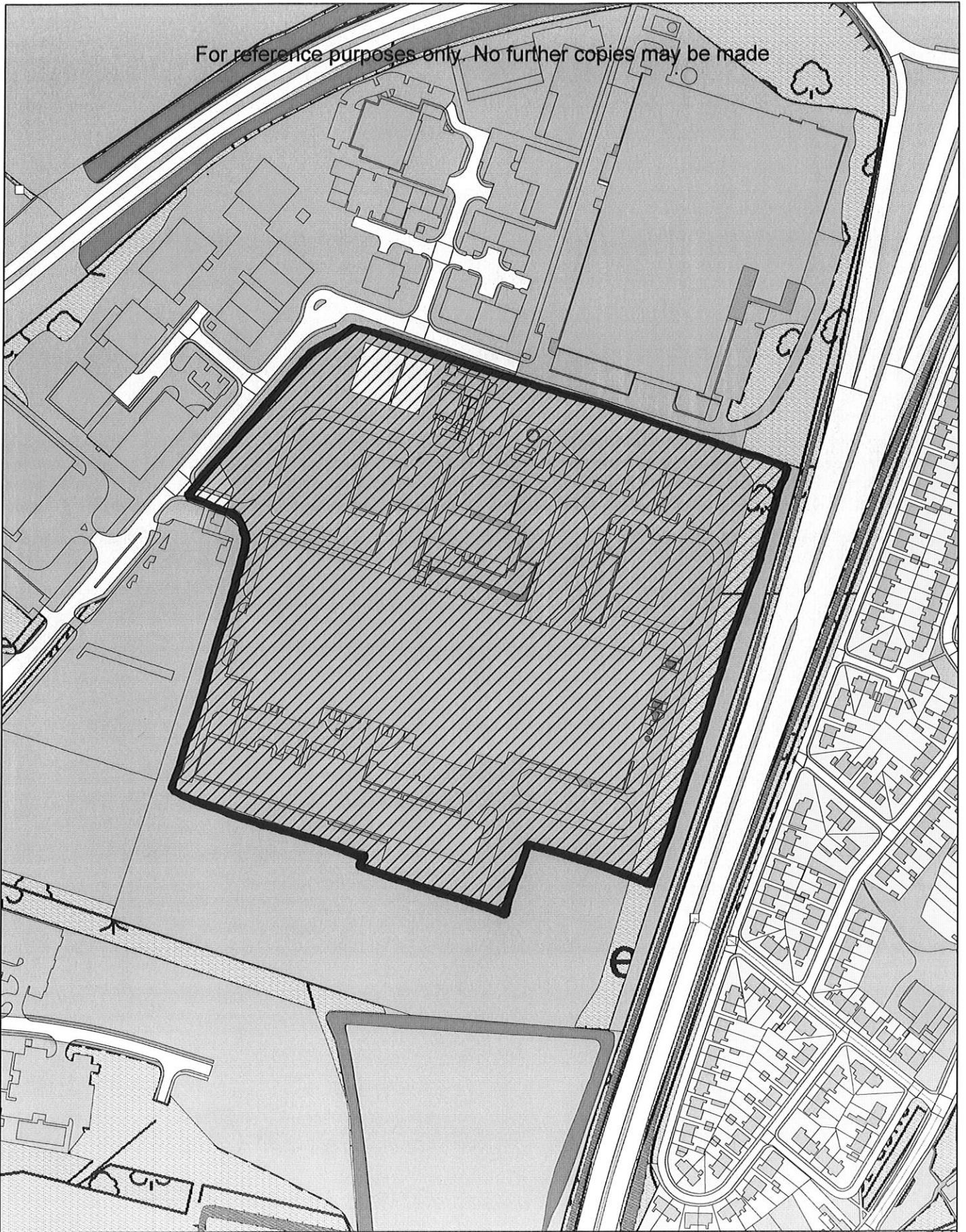
The North East of England Plan – Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004





For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/07/00375/FPA

Philips Components, Belmont Ind Estate

Comments

Date

31 October 2008

Scale

1:3419

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### ITEM 3

<b>08/0158/FPA + 08/0159/CAC</b>	<b>Land To Back Silver Street, (Rear 21 Market Place) Durham</b>
<b>3D Land And Property</b>	<b>Demolition of existing garage block and site structures and erection of 2 blocks of three and five storeys in height comprising 1 no. commercial unit (Class A1), 1 no. office unit (Class A2) and 3 no. apartments</b>

### SITE AND APPLICATION DESCRIPTION

The application site consists of a small single storey garage block, backed by undeveloped steeply rising land containing an amount of self sown flora. Facing onto Back Silver Street across a small forecourt outside the boundary and ownership of the site, the garages face the gable end of a traditional two storey cottage, and the rear of Clement's Wharf, a recent development of apartments designed to face the River Wear. Whilst no buildings immediately bound the site, the listed Markets building is close-by to the north, and is within the City Centre Conservation Area.

Back Silver Street has undergone a renaissance in recent years, with improvements to surfacing and street furniture, supporting the revived use of the workshops at Freeman's Place, with a coffee shop with street tables, and an emerging street character derived from the relationship between the Clement's Wharf, Freeman's Place development and the Markets Building. Pedestrian access is possible through or around the Markets, via three small vennels of varying quality, or from The Sands/Walkergate. With a one-way system in operation from The Sands, vehicular access is only possible from the slip-road heading west off Milburngate Bridge, this being heavily used by delivery and service traffic serving the Markets and Silver Street.

The main application proposes what from the front elevation appears five storey development. In reality a potential A2 office unit at the street level currently occupied by the garages sits below an 'L' shaped building, four storeys of accommodation cut into the slope to the rear of the site, with a two storey wing projecting to the front. Access to these upper levels is via a single door at street level, through a terraced area above the commercial unit. Traditional style, massing and detailing is proposed to attempt integration into the Conservation Area setting, with arrangement of windows to minimise impacts on surrounding residential property. Two trees will be lost as a result of the development. A parallel application proposes demolition of the existing site structures, as required in a Conservation Area.

### RELEVANT HISTORY

A number of attempts have been made at residential development of this site, but these were either withdrawn or refused. Refusal reasons have included substandard protected species information, substandard amenity distances, and the effect on the character of the City Centre Conservation Area. The most recent applications, from 2007, closely resemble the scheme presented here, with a retail element at street level – these applications were withdrawn before determination as the contention over this part use became apparent.

## **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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

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

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

Planning Policy Statement 6: Planning for Town Centres: The Government's key objective for town centres is to promote their vitality and viability by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all

This Planning Policy Statement replaces Revised Planning Policy Guidance Note 6: Town Centres and Retail Developments (PPG6, 1996) and subsequent policy statements.

Planning Policy Guidance 13: 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.

Planning Policy Guidance 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.

Planning Policy Guidance 24: Planning and Noise guides local authorities on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

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

## **REGIONAL POLICY**

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

## **LOCAL PLAN POLICIES**

Policy 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 E3 (World Heritage Site) – Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.

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 E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.

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 E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.

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 S2a (A2 and A3 uses within the Primary Retail Area) seeks to protect and promote the vitality and viability of the retail hierarchy within the City Centre, with constraints on A2 and A3 uses within the Primary Retail Area.

Policy CC1 (Vitality and Viability) seeks to protect and enhance the vitality and viability of the City Centre by; promoting a mix of uses, sustaining the shopping area, promoting new residential development, introducing environmental improvements, enhancing access within the City Centre without use of the private car, and generally enhancing the area.

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

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

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

Policy 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.

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

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

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority raise no objection to the proposals, noting that as a City Centre site, the lack of parking provision proposed is appropriate, with restrictions on the nearby loading area allowing enforcement and removal of unauthorised parking. They note the existing garages are accessed across an adopted forecourt which will need to be reinstated as part of any development, with a footway and new kerb-line.

Northumbrian Water indicate they have no objection to the proposals.

The County Archaeologist comments that the developer has submitted an archaeological assessment indicating significant archaeological remains on the site dating from Medieval and Post-Medieval Periods and insist upon a 'tightly worded negative condition regarding archaeological matters' be applied in the event of an approval, to ensure proper assessment and recording of such.

### **PUBLIC RESPONSES**

The application has received five public objections, including one from the City of Durham Trust. A representation from Durham Markets Company makes comment regarding access during construction works.

Four of the public objections emanate from Clements Wharf, a modern, (four storey) development of apartments opposite the proposed site, built with references to the Durham vernacular. Correspondents consider the building, overly dominant, with excessive height, scale and massing in a sensitive and prominent location, resulting in a detrimental impact on the character and appearance of the Conservation Area.

Discrepancies in the submitted information regarding the use of the street-level unit are noted, along with a desire for additional elevations to show the development relative to nearby structures.

The proposals are considered unacceptable in terms of effects on privacy and overlooking, with the removal of the proposed terrace suggested with the potential of noise disturbance from this feature considered likely to lead to complaint once the new dwellings are occupied. Facing distances to existing bedroom windows are highlighted. Highway safety is of concern, with displacement of parking from the existing garages, and the likely parking demand from the residences and business proposed both of concern. One letter is submitted through the objector's solicitor requesting refusal, but suggesting a series of conditions in the event of an approval, which include opening and delivery times for the commercial unit, agreement on

working times and deliveries during the construction process, and obscure glazing restrictions.

The City Trust acknowledge the improvements in the evolution of the scheme, considering the character and residential use appropriate, but retaining concerns over massing – offering the opinion that the building is too high by a storey. A s.106 agreement preventing car ownership is suggested.

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

## PLANNING CONSIDERATIONS

These applications propose development of a small brownfield site to the rear of buildings facing the Market Place in the City Centre, at the heart of the Conservation Area. The full policy context of the site is outlined above, however the determination of the application effectively rests on Policies relating to the impact of the building, and its effects on the character and appearance of the Conservation Area and world Heritage site and upon the residential amenity and privacy of occupants of nearby and adjoining properties i.e. Policies E3, E6 and E22, along with H2, and H13.

The site as existing, both in terms of the prevailing built and natural features has little intrinsic value, with the trees proposed to be removed self-sown and not considered to meet the requirements justifying protection. An arboricultural survey has been submitted with the application. The submission is also accompanied by an 'Archaeological desk-based assessment and evaluation', prepared by Archaeological Services of Durham University, which identifies the importance of the site. In the event of an approval a stringent condition to address this issue will be required.

The proposed development consists a ground floor commercial unit, of either Use Class A1 (shops/hairdressers/sandwich shops etc.) or A2 (financial services/estate agents/betting shops etc.), with residential accommodation consisting 3 no. flats providing a total of 13no. bedrooms. This accommodation would be in an 'L' shaped form, the building climbing with the slope, appearing as two storeys above the commercial unit, and four storeys at the back of the site. The building is presented in vernacular style with traditional materials specified. Alterations have been made to accommodate detailed changes suggested by the Council's Conservation Officer. The scale and character of the building has been considered in the context of immediate buildings – the listed Covered Market, the new-build Clement's Wharf, and the traditional buildings of Fowlers Yard, and further more, as required in longer views towards the World Heritage Site. The design approach is considered by officers entirely appropriate, and the extent to which it will feature in longer views, whether from, or beyond the concrete road bridge is considered likely to have a positive effect on such, as required by Policies E6, E22 and E21.

This area of the City, with efforts from the Council, is experiencing something of a renaissance, with the craft workshops of Fowlers Yard, a small café, the new residential development at Clement's Wharf, the rear access to the Markets, and a bar accessible by foot through various vennels, Freeman's Place and the Sands Car Parks. The proposed development meets the aspirations of National and Local Plan Policies for promoting the vitality and viability of a mixed use nature within the City Centre; both for commercial and residential uses. This approach is also generally consistent with the 2020 Vision – Durham City Centre Masterplan and with the section that refers to development within the **Central Quarter** in particular. The opportunity to create additional live frontages and active uses above ground floor level are welcome elements of the proposals. Encouraging more residential occupation in the City Centre is a long-standing aspiration of the Planning Authority and helps to sustain local businesses as well as offering living accommodation, close to services/amenities, without the dependence upon private vehicles.



The physical relationships between existing and proposed structures; with impact upon the residential amenity of existing occupiers, including disruption during construction, being the most contentious. The site is particularly tight for both the machinery and plant required for building operations, and delivery of materials. Conditions relating to hours of working, and establishing protocols for site works and deliveries are essential in the case of an approval. The proposed building directly faces the blank gable end of Fowlers Cottage, a non-residential building occupied by Durham City Arts. The two storey residential element on the front face of the site proposes obscure glazed windows in this elevation (which can be maintained by condition). The site is set at a slight angle to Clement's Wharf, where bedroom windows face towards the end to the development. The proposed distance between the two residential properties, at 11.5m is below that suggested as guidelines in the justification attached to Policy Q8. Noting that there is no direct overlooking, officers have taken into account the desirability of maintaining the character of a more historically appropriate form of development, and narrow street-scene, in the balance of assessing the sometimes contradictory policy context. Therefore, just as it can be appropriate in the terraced areas of the City to accept reduced distances in Victorian sections of the City in the interests of 'historic character', a similar approach may be justified here. The higher windows of the upper flats to the rear of the site are separated from Clement's Wharf by a distance of 20m, again set at an angle to Clements Wharf, and partially obscured by the roof of the forward wing of the proposed structure. It is further noted that Clement's Wharf itself used similar visual justification in its relationship to the Markets building, and the bar premises to its rear.

Likewise the proposed deck level is situated within the 'L' form of the proposed flats, being for the most part screened from direct relationship, and lessening the possibility of noise nuisance. The development therefore is considered to offer a residential relationship appropriate in response and balance to the historic setting, and whilst there will inevitably be an effect on existing residential amenity, it is below the 'significant' effect set out in Policy H13.

The commercial element of the building, proposed at street level has potential to affect existing residential amenity, albeit this may be minimised by the conditions suggested in the objector's letters. This element is acknowledged as speculative in the submitted forms, and restriction to the use classes clarified by the applicant, and restrictions on opening hours and deliveries is considered to present a reasonable balance between protecting resident's amenities, and encouraging the better commercial use of this part of the Conservation Area.

Whilst in close proximity to the River Wear, the site is not affected by designated flood zone protection areas, being relatively high, and the proposed residential use is at first floor level.

The City Centre location justifies a lack of parking provision, as acknowledged by the Highway Authority with good access to local goods, services and transport nodes, and accords with national and local policy aspirations to reduce reliance on the private car. Opportunity for overspill parking from the scheme is highly restricted in the immediate area, and enforceable through existing traffic orders. The s.106 suggested to prevent such is however considered unenforceable and therefore not tenable. Physical alterations required by the Highway Authority for the forecourt may be reasonably conditioned.

The City Centre Conservation Area location justifies a condition on the Conservation Area Consent application, scheduling the demolition of the existing structures in relation to the commencement of development to ensure the time between such does not result in detracting from the setting of the historic area.

## **CONCLUSION**

The proposed development is considered by officers to meet the required balance between ensuring an apposite design response for the site specific constraints of this part of the City Centre Conservation Area, relationships to the World Heritage Site and nearby Listed

Buildings and in doing so preserves and enhances the character and appearance of the Conservation Area. It achieves an appropriate level of residential amenity for existing residents and issues relating to highways, archaeology, trees and the other relevant topic areas identified above, have been addressed, or can be regulated by the appropriate use of conditions. Officers commend the applications appropriately.

## **RECOMMENDATION**

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

### **08/00158/FPA**

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all hardstanding areas, including a detailed scheme for the reinstatement of the adopted forecourt, to be reinstated to a footway with new kerblines, shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 100mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
7. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
8. That notwithstanding the information shown on the submitted plans the windows to the two bedroom windows on the west elevation site boundary hereby approved shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing and shall remain so thereafter in accordance with the approved scheme.
9. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.

10. No ground works shall take place until an archaeological mitigation strategy has been submitted to, and approved in writing by the Local Planning Authority. A copy of the analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the approved development scheme.
11. The commercial ground floor premises approved by this application shall not be open to customers except between the hours of 0800hrs and 1800hrs on any day of the week, without the grant of further specific consent from the Local Planning Authority. A scheme of agreed delivery hours to said premises shall be agreed in writing with the Local Planning Authority before commencing commercial operation.
12. 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 written schedule relating to agreed construction practices during the development of the site, and this document has been agreed in writing by the Local Planning Authority. This shall include site working and delivery times, details of on-site storage of materials, machinery and plant, and cleaning of construction vehicles and highways surrounding the site. Details of a named site foreman shall be provided. A scheme of access and egress for construction traffic and deliveries shall be included, with use of a banksman . Plant, machinery and vehicles must not be warmed or started outside the agreed hours. The operation of the building site must be carried out at all times in full accordance with this agreement.

#### **08/00159/CAC**

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.
2. The demolition hereby approved shall not commence until such time as a programme and timetable for the carrying out and implementation of an approved redevelopment scheme, or a scheme to clear and tidy the site within a period of three months of demolitions commencing, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed programme.

#### **BACKGROUND PAPERS**

Submitted Application Forms, Plans

Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPS3, PPS6, PPG13, PPG15, PPG16, PPG24 and PPG25

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

City of Durham Local Plan 2004

Durham City Centre Masterplan 2020 Vision 2007

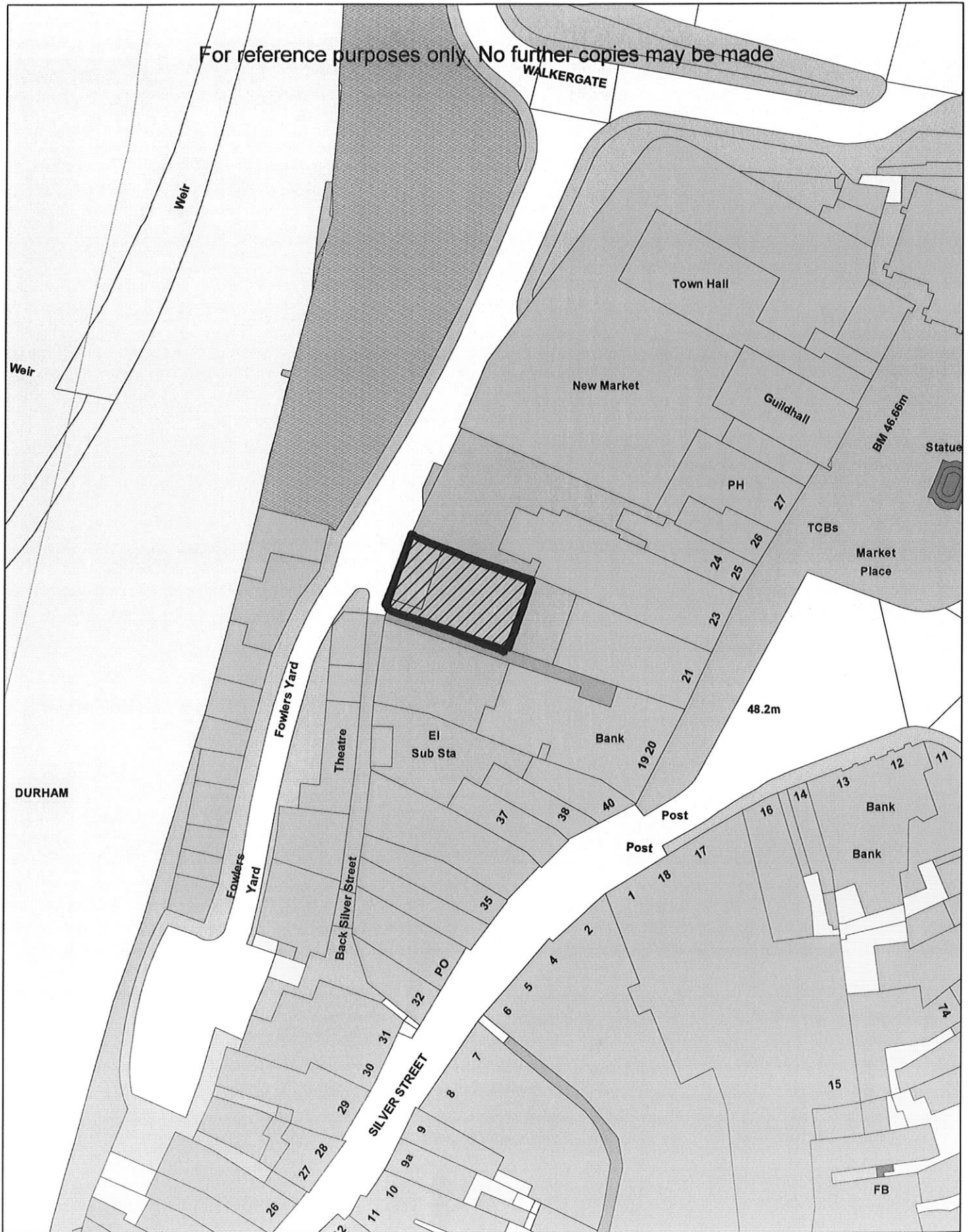
Responses from County Highways, Northumbrian Water, County Archaeology

Consultation Responses from Public, including City of Durham Trust and Durham Markets Company

Various File Notes and Correspondence



For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00158/FPA + 4/08/00159/CAC

Land To Back Silver Street

Comments

Date

31 October 2008

Scale

1:750

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#### ITEM 4

<b>08/00631/FPA</b>	<b>85 Gilesgate, Durham, DH1 1HY</b>
<b>Mr P Smith</b>	<b>Conversion of existing roofspace and 2 no. study rooms to create 4 no. additional bedrooms, totalling a 12 no. bedroomed house in multiple occupation, including erection of 2 no. rooflights, and 1 no. additional window to the north elevation</b>

#### **SITE AND APPLICATION DESCRIPTION**

85 Gilesgate, the former Britannia Inn, is a prominent traditional two storey building situated at the head of Gilesgate Bank. Included within the City Centre Conservation Area, the former Inn and its curtilage to the rear are laid out in the form of a traditional burgage plot with a long garden area behind a narrow developed frontage. The site has been granted planning permission for the change of use, with physical alterations, to provide an eight bed-roomed house, involving partial demolition with erection of single storey extensions to rear. This scheme has very recently been completed.

The external physical works relating to that application were carried out to a high standard and have resulted in a marked visual improvement to this part of the Conservation Area, the pub having fallen onto some disrepair since its closure. The internal alterations and use of the building are not currently as approved and will be discussed below.

The application presented here, proposes the use of two ground floor rooms designated and approved as study, and utility/cloakroom by the last application, and the use of the roof-space subdivided into two rooms, to provide 4 no. additional bedrooms. This results in the dwelling increasing in residential volume from 8 to 12 bedrooms.

#### **RELEVANT HISTORY**

This site has been subject to an extensive recent planning history, with an application approved in 2004 to change the use from a pub and manager's flat to a six bed-roomed dwelling. A further application that year to erect four dwellings to the rear was withdrawn, the erection of two new dwellings refused, the change of use from a pub to an eight bed-roomed dwelling, with single storey extensions approved in 2005 (this being the implemented scheme), A further application for another variation of the dwelling-house was approved in 2007.

#### **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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

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

Planning Policy Guidance 13: 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.

Planning Policy Guidance 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 24: Planning and Noise, guides local authorities on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

## ***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.

This document reinforces national guidance in respect of the re-use of previously developed land and buildings, requiring Local Authorities to achieve 60% of new housing on 'brownfield' sites by 2008. Policies are also included to ensure incorporation of alternative energy production methods to reduce carbon emissions.

## ***LOCAL PLAN POLICIES***

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. (This Policy is complimentary to E6)



Policy H9 (Multiple Occupation/Student Households) seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

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

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

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

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

Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

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

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority raises no objection to the proposals, noting the applicant's offer of a vehicle for Option C Car Club, and a travel plan providing membership of the Car Club for residents. No objection is raised if this offer is conditioned. The consultation response does make reference to the specifics of the site, it having no provision for of-street parking, with this particular part of Gilesgate having a shortage of such, further noting the number of converted properties in sub-divided residential use. They consider that whilst the new proposals may not lead to a direct increase in parking demand from residents, there will be likely additional pressures from visitors to the property.

Environmental Health Officers have forwarded details of the alterations to the building they require to meet their required standards.

### **PUBLIC RESPONSES**

Objections have been received from seven local residents and landlords, and one City Councillor with some correspondents have submitting more than one representation in order to make additional points. The objectors are unconvinced by the applicant's proposed solution to the highways and parking problems to the front of the dwelling, with the lease car considered inadequate, unsustainable and difficult to enforce. The general parking problems to the front of the property are felt to have been exacerbated by the conversion of the property, with the particularly poor access to the A181 a major concern. Residents have supplied photographs to show the demand and competition for car parking on the forecourt of 85 Gilesgate has increased, along with tandem parking, resulting in blocked vehicles. Objectors point out that if the Car Lease scheme has an effect on tenant's parking, additional

pressure from visitors is not addressed. The effects of additional demand for residential parking in adjacent streets from multiple occupation dwellings is discussed in some letters.

Objection is raised to the insertion of windows in the rear roof-slope, both in relation to their appropriateness in a Conservation Area, and from potential additional overlooking of adjacent residential property – particularly no.83.

The recent conversion has raised issues of noise disrupting neighbours, with objectors claiming the layout of the property amplifies noise to an unacceptable degree, with more tenants likely to exacerbate problems.

One objector makes reference to comments from the Housing Minister regarding the specific problems of student and multiple occupation in residential areas, considering that the extent of such in Gilesgate is unbalancing the community. Objectors are unhappy that works have been carried out in advance of the application's determination, and that having reluctantly accepted the approval of the Council for a scheme defining eight bedrooms, contend the increase in numbers was always intended. There are worries both of the precedent an approval here would set, and the further potential of this property for subdivision.

Whilst the above is a brief summary of the material planning issues, objector's letters covered a wider range of subjects, which whilst not directly related to the consideration of the application, must be referred to, to ensure this report is comprehensive, and all matters are taken into account. The building works involved in the Change of Use and extension of the property over past months appears to have been difficult for immediate residents, with complaints over land-ownership issues, trespass, loss of privacy during construction, damage to adjacent buildings, structures and surfaces, noise problems, and blocked access. Complaint has been made over accuracy of the application forms (relating to whether the application had been part implemented before submission), with additional reference to HMO legislation, the Party Wall Act, Building Regulations, Advertisement Regulations and a suggestion that Protected Species may be present. One correspondent makes reference to Policies in the unadopted LDF.

The consultation exercise has been complicated, and slightly confused, by the applicant's intention to carry out a scheme of hard-surfacing to the front, and potentially adjacent the forecourt of 85 Gilesgate. Investigation has revealed that none of the land involved is designated as Village Green, or is owned by the Council. Whilst objectors have connected these works with the current application, this is not the case, the nature of the works do not require planning permission, and the land ownership issue is outside officer's remit.

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

## **PLANNING CONSIDERATIONS**

This application effectively turns on the density of residential occupation that this property can accommodate. The density of accommodation must be considered on the effects on the residents themselves and the effects on the privacy and amenity of neighbouring properties. The Policy context in the principal planning document – the City of Durham Local Plan, 2004 – requires that the proposals be considered against Policies H9, H13 and Q9 to assess residential amenity, with Policies T1 and T10 to determine traffic implications. The impact on the Conservation Area is compared to complementary policies E6 and E22. The application proposes an increase of four bedrooms from the approved 8 no. bedrooms.

Whilst the application approving an eight bed-roomed dwelling was a Change of Use from a formerly commercial property, 85 Gilesgate is a comparable size to other dwellings fronting the traditional Village Green, and although there has been a number of applications, withdrawals and refusals, approval was given for a level of residential occupation that officers

felt reflected what could reasonably be expected from a comparable residential property. This level of occupation allowed for a communal lounge, conservatory, study/utility areas, and a single kitchen, allowing the dwelling to function as a single house in multiple occupation. Committee accepted this assessment. Objectors to that scheme expressed concerns that the communal facilities would be used as additional bedrooms and so that approval was deliberately specific in prescribing the number of bedrooms; with a condition requiring development in full accordance with the approved plans, with designated room uses.

Officers are disappointed that this new application for additional bedrooms should follow so quickly on the completion of building works. The two rooms set aside on the ground floor for a study, and utility/cloaks are already occupied as bedrooms. The living room connected to the conservatory has been fitted out as a second full-sized kitchen. An access to the loft has been constructed, although the loft has not been sub-divided. Whilst the applicant's supporting 'Design and Access Statement' states that 'these study rooms are not used by existing tenants who choose to study in their own bedrooms', little attempt can have been made to use them as such if the property was occupied in August/September. (The first attempt at this application was made in July.) The inclusion of a second kitchen reduces the amount of internal communal amenity space available to the detriment of existing residents, and lessens the potential that the use of the property in the future may revert to a more traditional form of accommodation, it being evidence that the property is operating at a level above that expected of a single dwelling house. The increased occupation of number 85 Gilesgate also has implications to the privacy and amenity of surrounding residents. Whilst the degree to which some elements of additional detriment to privacy or amenity are marginal, (for example, additional noise intrusion affects neighbours cannot in itself be specified to a degree that could sustain a refusal), the cumulative affect of such matters must eventually reach a point where they too are no longer acceptable.

When the proposals are assessed against the adopted policies of the Council, the effects on the residential amenities of residents are, in officer's opinion, contrary to the requirements of Policy H9(2). Policy H13 requires the adverse effect on the amenities of residents to be 'significant', with the alterations to internal arrangement, and the effect on the residential amenities of the residents of the scheme considered thus. Whilst the text of Policy Q9 refers in part (3) to protection of the privacy only of adjoining occupiers of property, part (4) cross-references back to Policy H9 in restricting levels of multiple occupation; the proposed 12 bedrooms contravening that requirement.

One of the more obvious and visible effects of the level of occupation of the building is the effect of and demand for car parking to the front of the property. This area is not owned by the applicant, and the property does not benefit from any rights to it. Officers have previously argued that, notwithstanding the lack of formal right over the land, the property in its previous use has generated, and coped with a level of car parking. This was duly taken into account on reaching a recommendation for approval for the building's conversion to an eight bedroomed dwelling. Discounting the temporary problems that have allegedly occurred during the development of the property, there is considerable demand for parking, both from residents, visitors, and customers, deliveries and staff of the commercial elements of Gilesgate. Competition is strong, given the restricted opportunities for parking on the north side of the road. Demand is such that the prospect of the difficult right turn onto the A181 does not discourage, with evidence of a constant turnover of parked vehicles throughout the day.

The applicant has suggested that any implications for increased car demand could be overcome by him accepting a condition to produce a travel plan for the property, and providing monies for a vehicle for the 'Option C' car club. The car club gives its members access via internet booking to a car that is leased to its members for a fee based on a time/mileage use calculation. Further information on the scheme, and supporting evidence in the Design and Access Statement consists of examples of successful schemes in other cities, is contained within the body of the application, noting this is a general scheme in operation across the City, and not specific to this development. The applicant offers the purchase of a vehicle for the scheme, to be sited on a designated bay on the public highway at St. Hild's College, adjacent Gilesgate roundabout. Occupants of 85 Gilesgate would have their membership of the Car Club paid for a specified period of time by the landlord. The 'Option C' car club is a worthy attempt, to offer an alternative to car ownership, and has potential to particularly meet the needs of computer literate young tenants. The space identified by the applicant is nearly 300m from the application site, involving – at peak times – a difficult road crossing, and a walk up the steep Gilesgate Bank. Whilst the space would be for the benefit of the car club as a whole, it's siting as a specific response to the vehicular related difficulties of this application site is not ideal. If minded to approve the application conditions to ensure agreement on a travel plan, and a Section 106 agreement to ensure the terms of provision of a suitable vehicle would be required.

Officers fully support the principles of the car club, and understand the difficulties of establishing such to a level whereby it becomes a viable alternative to car ownership. This is an innovative suggestion but officers are not convinced that this is sufficient to address the concerns arising from the likely increase in demand generated by 4 no. more bedrooms, in addition to the 8 no. already approved. Whilst the Highway Authority raise no objection in terms of highway safety, there is again a residential amenity aspect to this issue. In this respect the proposals may satisfy the requirements of Policy T10 in attempting to promote sustainable transport choices. However Policy T1 is not adequately addressed in terms of a potentially significant affect on the amenity of the occupiers or neighbouring property, with cars blocked in tandem at numerous times during the day, and no provision made by the additional increase in visitor demand. Whilst the planning laws make no differentiation between different types of tenant, 85 Gilesgate is advertised and run as a student household, with implications to particular periods of heavy demand from visitors, which can significantly impact upon neighbours.

Officers have no concerns as to the proposed external alterations to the building. The proposed 2 no. velux rooflights, and rear gable window are appropriate in scale and design for the building in its Conservation Area setting, and unlikely to lead to a level of overlooking that could reasonably sustain a refusal, with no direct overlooking of habitable windows on the adjacent flats, where objection relating to this element originated. In this respect the proposals are considered in accord with Policies E6, E22 and Q9.

The objections relating to noise from the building generated in the hard-surfaced area between the high boundary wall and the rear extensions is a result of the traditional layout of the main building and its extensions on a narrow plot, and whilst the additional level of occupation will be likely to lead to a proportionate increase in noise, officers do not consider this to be to such a degree where a refusal of planning permission could be sustained..

Officers have considered the additional areas referred to in representations, many of which relate to topics covered by parallel legislation, and consider them of limited relevance to the current application. The proposals have been assessed in the context of the Council's policy with regard to Balanced and Sustainable Communities (June 2007) and the good practice advice contained within the more recent report on Housing in Multiple Occupation and possible planning responses (September 2008) issued by Communities and Local Government.

Whilst the presence of bats has been suggested, the site when compared against checklists of likely roosts for such would appear an unlikely host property. The difficulties experienced during recent building works, and proposed works to the forecourt are of very limited relevance.

## CONCLUSION

The application proposes an increase in bedroom numbers from the approved 8 no. to 12 no. The recommendation for approval of the last scheme represented officer's considered view of the acceptable capacity of the site as a residential dwelling in multiple occupation, both in terms of the level of residential use for its own occupants, and the effects of such level of occupation on the privacy and amenity the residents of adjacent residential properties. Officers consider that the current proposals compromise both to an unacceptable level when considered against policies H9 and Q9.

The applicant has offered an innovative approach to the potential additional demand for vehicular traffic his proposals are likely to generate. In principle the 'Option C' car club is a scheme that officers fully support, but it is not considered to address the specific problems presented at 85 Gilesgate in a way that could guarantee such problems are overcome. The provision of a car for the car club scheme will have a wider benefit, but there is no surety that even with access to computers for booking, and membership of the scheme, that any tenant is obliged to use it, with the demands for additional resident and visitor parking failing Policy T1.

Other matters are considered acceptable in relation to the relevant planning policies.

Members will note from the above text that the property as it currently operates is not in accordance with the scheme approved in November 2005, with additional bedrooms and kitchen facilities. If members are minded, as recommended, to refuse the application, authority is sought for enforcement action to ensure the dwelling reverts back to its authorised layout.

## RECOMMENDATION

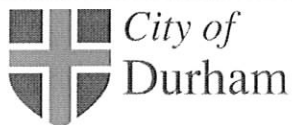
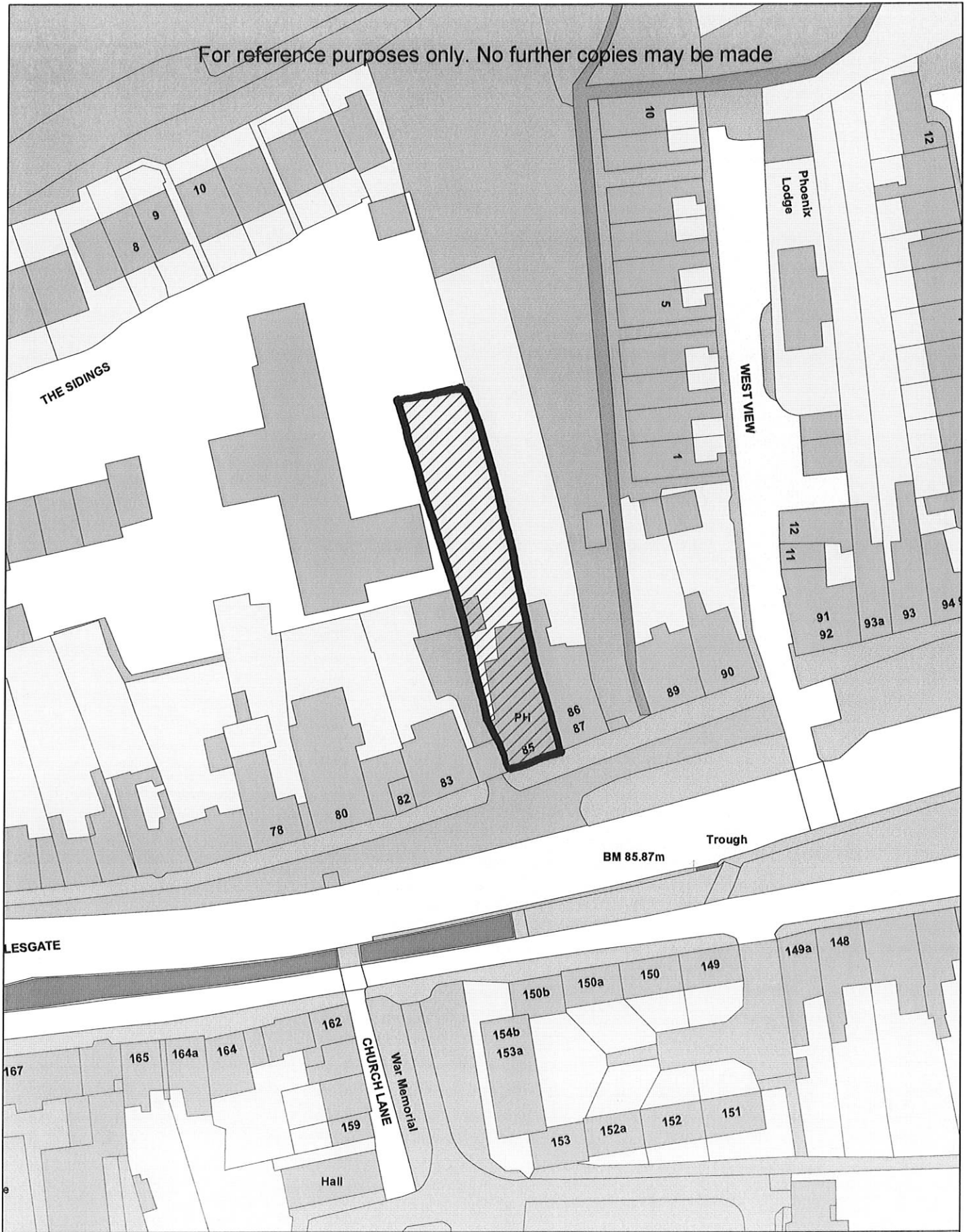
That this application be **REFUSED** for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would provide insufficient privacy and amenity for both the residents of the scheme, and those in neighbouring properties, contrary to policies H9, H13 and Q9 of the City of Durham Local Plan, 2004.
2. In the opinion of the Local Planning Authority the proposed development would not provide a sufficiently tangible, enforceable, specific solution to the likely increase in demand for parking for tenants and visitors of the scheme leading to conditions prejudicial to highway safety contrary to policy T1 of the City of Durham Local Plan, 2004.
3. That authorisation be given for the issue of an ENFORCEMENT NOTICE to require the removal of the unauthorised works and to ensure compliance with the layout and level of use for which planning permission was previously granted.

## **BACKGROUND PAPERS**

Submitted Application Forms, Plans -Design and Access Statement  
Planning Policy Statements / Guidance, PPS1, PPS3, PPG13, PPG15, PPG24  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
City of Durham Local Plan 2004  
Statutory Consultation Responses  
Evidence gathering – Housing in Multiple Occupation and possible planning responses (Final Report) CLG September 2008  
Balanced & Sustainable Communities Action Plan June 2007 City of Durham  
Consultation Responses from Public with attached Photographs  
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



**Planning Services**

Application No. 4/08/00631/FPA  
85 Gilesgate, Durham

**Comments**

**Date**

31 October 2008

**Scale**

1:750

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## ITEM 5

<b>08/00802/FPA</b>	<b>20 Whinney Hill, Durham, DH1 3BE</b>
<b>Mr E Clark</b>	<b>Erection of two storey pitched roof extension to side and rear of existing dwelling and single storey pitched roof extension to rear</b>

### **SITE AND APPLICATION DESCRIPTION**

The property lies within the residential area of Whinney Hill to the east of the City Centre and lies within Durham City Conservation Area. The property is an end of terrace property in a street of similar terraced and semi detached dwellings. The properties in this area were originally local authority stock providing accommodation for prison officers at Durham Prison. Many of the properties are now in private ownership and are either owner occupied or are let, often to students.

The proposal seeks to erect two and single storey pitched roof extensions to the side and rear of the existing dwelling. The extensions shall provide ground floor family room, kitchen, dining and shower space with additional bedroom accommodation at first floor.

The two storey extension increases the width of the dwelling by 2.25m and is recessed behind the front building line of the property by 4.5m and projects to the rear by 3m. The extension has a ridge height set well below that of the main dwelling. The ground floor incorporates front elevation windows and rear elevation windows and french doors. The first floor incorporates first floor front and rear elevation windows.

The proposed single storey extension to rear has a projection of 1.5m and contains a rear elevation window.

### **RELEVANT HISTORY**

A similar application at 17 Whinney Hill for the erection of two storey pitched roof extension to side and rear elevations and single storey extension to rear of existing dwelling was approved in April 2008.

In September 2008 Members refused a retrospective application at 33 Whinney Hill for residential extensions after unauthorised changes to an approved application.

### **POLICIES**

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

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

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

Planning Policy Guidance Note 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.

Planning Policy Guidance Note 15: Planning and the Historic Environment sets 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) 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 Q9 (Alterations and Extensions to Residential Property) provides guidance on residential extensions stating that the design, scale and materials used should be sympathetic to the dwelling and character of the area. Wherever possible extensions should incorporate pitched roofs. Extensions should respect the privacy of adjoining occupiers.

Policy E6 (Durham (City Centre) Conservation Area) encourages all proposals to preserve or enhance the Conservation Area through incorporating appropriate design, using appropriate materials and reflecting the quality of design appropriate to the historic City Centre.

Policy E22 (Conservation Areas) seeks to preserve or enhance the character or appearance of the Conservation Areas within the City through encouraging appropriate and sensitive scale and design in proposals, protecting landscape features and not permitting demolition of buildings contributing to the area's character.

Policy T1 (Traffic Generation – General) stipulates that planning permission shall not be granted for development which would generate traffic that would be detrimental to highway safety or residential amenity.

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

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **STATUTORY RESPONSES**

The County Highway Authority raises to objections to the application.

The Environmental Health Section has provided comments outlining the requirements of the Housing Act in respect of this property. This is separate to the planning application.

## **PUBLIC RESPONSES**

Objections have been received from 19 residents who consider that the proposal is contrary to relevant Local Plan policies by virtue of inadequate parking, excessive scale and size resulting in an overbearing and adverse impact upon amenity as well as the level of student occupancy in the Whinney Hill area. Reference is also made to similarity of this proposal to that recently refused at no.33 Whinney Hill.

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

## **PLANNING CONSIDERATIONS**

The content and volume of objections that this application has generated relate to the business practices of the applicants and other landlords. As these activities fall outside of the remit of the planning process they should not carry weight in the determination of this application.

The key issues for Members consideration relate solely the scale and design of the extension and its impact upon the amenity of nearby residents and upon the character of the Conservation Area.

As several objectors have raised the issue of the change of use of the property to a house in multiple occupation (HMO) and Policy H9, it is considered appropriate to briefly address this issue. The key principle which defines the extent to which the Local Planning Authority can attempt to control student properties is whether or not they can be considered to be Houses in Multiple Occupation. The Use Classes Order and case law as established by the courts and Inspectors acting on behalf of the Secretary of State are the basis for addressing this issue.

Within the Use Classes Order, dwelling houses (Class C3) include use as a dwelling house (whether or not as a sole or main residence), by either a single person or by people living together as a family, or by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The question with regards to student accommodation is whether the property is being occupied as a single household or not. Case law on previous cases of this nature suggests that if a house occupied by students is organised in such a way as to indicate that it is in multiple occupation, then planning permission is required as a material change of use. However, if students are living in a house on a communal basis and share costs and facilities it then has to be shown that a material change of use from a conventional dwelling house has occurred. In one case, an Inspector identified 9 no. key indicators as to whether the building was being occupied as a single household or as a house in multiple occupation. These included; the origin of the tenancy; the extent to which facilities were shared, whether occupants were responsible for the whole house or just their rooms; the extent to which residents could lock their doors; the responsibility for filling vacancies; the allocation of rooms; the size of the establishment; the stability of the group and the mode of living.

At the Planning Authority's request the applicant has provided further information as to how the property is occupied. This information states that the property is occupied by a group of students who sign a lease on a joint and several liability basis; each student being issued their own contract but each sharing the rent for the whole dwelling. If one of the group vacates his/her accommodation then the remainder of the group must fill the vacancy or absorb the shortfall in rent. All facilities are shared and there are no locks on the bedroom doors. On this basis therefore, it would seem reasonable to suggest that the mode of general living within the property is that of a single household and not as a house of multiple

occupation, containing for instance bed-sits which would by definition include cooking and sleeping arrangements within each room.

Considerable weight is also often given to the reference within Class C3 to a "limit" of six residents. However even if seven students were to occupy a dwelling it would not necessarily follow that a change of use had occurred. Class C3 indicates that occupation of a dwelling house previously occupied by a single family, by those living as a single household up to six members in total, conclusively does not require planning permission by reason of being within the same Class. However it does not state that occupation of a dwelling house by individuals living as a single household totalling more than six persons is a material change of use from a lower head count. This instead is a matter of fact and degree as outlined above. The City of Durham is considered no differently from other University/College towns/cities in respect of planning law and its interpretation. It has previously been the opinion of the Planning Inspectorate that in many cases the occupation of a property by seven or even eight students would not be materially different than a property of six students. Consequently, officers are of the opinion, in this case, that a material change of use to HMO has not taken place and that the dwelling would remain a Class C3 use and in essence a standard dwelling house.

In turn, this renders Policy H9 of the Local Plan irrelevant in this case, as the policy specifically applies to cases whereby a change of use is being applied for. Indeed, within the text of H9, acknowledgement is made to the fact that many student houses will fall outside of its scope. The objections raised therefore against the application on the grounds of its use as a student house and the current level of student housing within the area are not considered to be material to the determination of this particular application. Each case needs to be considered on its own individual merits and the rejection of a similar scheme in the locality should not pre-determine the position of the Committee.

In respect of the impact of the student population on the locality the Council recognises the importance of balanced and sustainable communities and these are matters that are the subject of monitoring, review and action by the Authority. Strategies are in place to work with stakeholders to make the appropriate responses to local housing needs, the quality of life and the quality of the environment. These pre-date the good practice issued by Communities and Local Government in September 2008 but accord with recommendations contained within the Final Report *Evidence gathering – Housing in Multiple Occupation and possible planning responses*.

Turning next to the concerns over the level of parking provision at this property, it is considered that the provision of a single space is acceptable at this location. PPG13 is quite clear in stating that Local Planning Authorities should encourage sustainable methods of transport wherever possible and that it is reasonable therefore, in sustainable locations, to require a reduced level of parking provision. Whinney Hill is located within a short walk of the City Centre and within 1 mile of Durham Rail Station which is served by regular national rail services and also within 1 mile of Durham Bus Station providing regular local, regional and national bus services. The property is hence considered to be in a sustainable location, and in accordance with national planning guidance, the parking provision at this location is considered appropriate in this instance. Furthermore the County Highway Authority has been consulted on the application and no objection is raised.

In terms of amenity, the proposal is considered to be acceptable. In terms of scale it differs only marginally from the extension originally approved, this proposal being 3.2m wide as opposed to 2.95m wide. It is not considered that this increase in width further impedes upon the amenity of neighbouring properties over and above the extension which was approved previously. It is noted that the rear door which was originally approved is now replaced by a window. Whilst this window would now appear to be to a habitable room, it is not considered that it represents a substantial loss of amenity for the occupiers of properties on Hallgarth View, being located to the side and rear of the property, providing only oblique views towards

No.8 Hallgarth View. The concerns over the extension forming an oppressive alley are noted, but it is not considered that the alley would become so narrow or enclosed so as to justify the refusal of the application on this basis, furthermore, it should be noted that the principle of a two storey extension in this location has been accepted in the previously approved application.

It is with regards to design and the impact of the extension upon the character and appearance of the Conservation Area that the main issues are raised with regards to this application. In general terms, the design of the extension is acceptable, featuring a hipped roof set down from the main ridge of the property, being set back from the front elevation and being of a subordinate and sympathetic scale. This is a common form of extension both within and beyond the Conservation Area. The designation of a Conservation Area does not preclude residential extensions and although Whinney Hill is an area of some character, hence its conservation area status, the properties are of limited architectural value in themselves and it is considered that this general form of the extension is acceptable in principle.

In terms of the design and amenity impact of the proposed extension, it is considered to be acceptable in these regards. The extension is well set back from the front elevation and is considerably lower in height, although being of two storeys in height. Although reasonably substantial, the extensions succeed in appearing as sympathetic in terms of scale to the host dwelling. The roof design, although perhaps appearing a little complex when viewed from the front of the property is nevertheless considered acceptable. This form of extension is common both within and without the conservation area. The designation of a conservation area does not preclude residential extensions and although Whinney Hill is an area of some character, hence its conservation area status, the properties are of limited architectural value in themselves and it is considered that the general form of the extension is acceptable. Furthermore, the property is located at the end of the terrace of four properties, the opposite end of which, no.17 Whinney Hill has an identical extension, which would serve to balance this small terrace within the wider street of Whinney Hill as a whole.

In terms of amenity, the two storey element would project 3m beyond the rear elevation of no.21 Whinney Hill but would be separated by 2.5m. There are 3 no. small windows in the side elevation of no.21, 2 no. of which would directly face the proposed two storey extension however it is considered that the loss of light or outlook to this kitchen would be insufficient to justify the refusal of the application, as there is another larger window in the rear elevation which would further serve this kitchen without impedance. It is not considered that the proposed extension would appear as overbearing as suggested by objectors. The single storey extension is considered to be acceptable in terms of its impact.

## **CONCLUSION**

The principle issues relating to the application are considered to be the scale and design of the extension, its impact upon the amenity of nearby residents, impacts upon the character and appearance of the Conservation Area and impacts upon highway safety and congestion. On balance, officers consider that the amenity of nearby residents will not be adversely affected, that the extension has preserved the character and appearance of the Conservation Area and that no adverse impacts upon highway safety or traffic congestion shall occur. As a result officers are able to support the application.

## **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.

## **BACKGROUND PAPERS**

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statement/Guidance: PPS1, PPS3, PPG13 and PPG15

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

City of Durham Local Plan 2004

Balanced and Sustainable Communities Action Plan

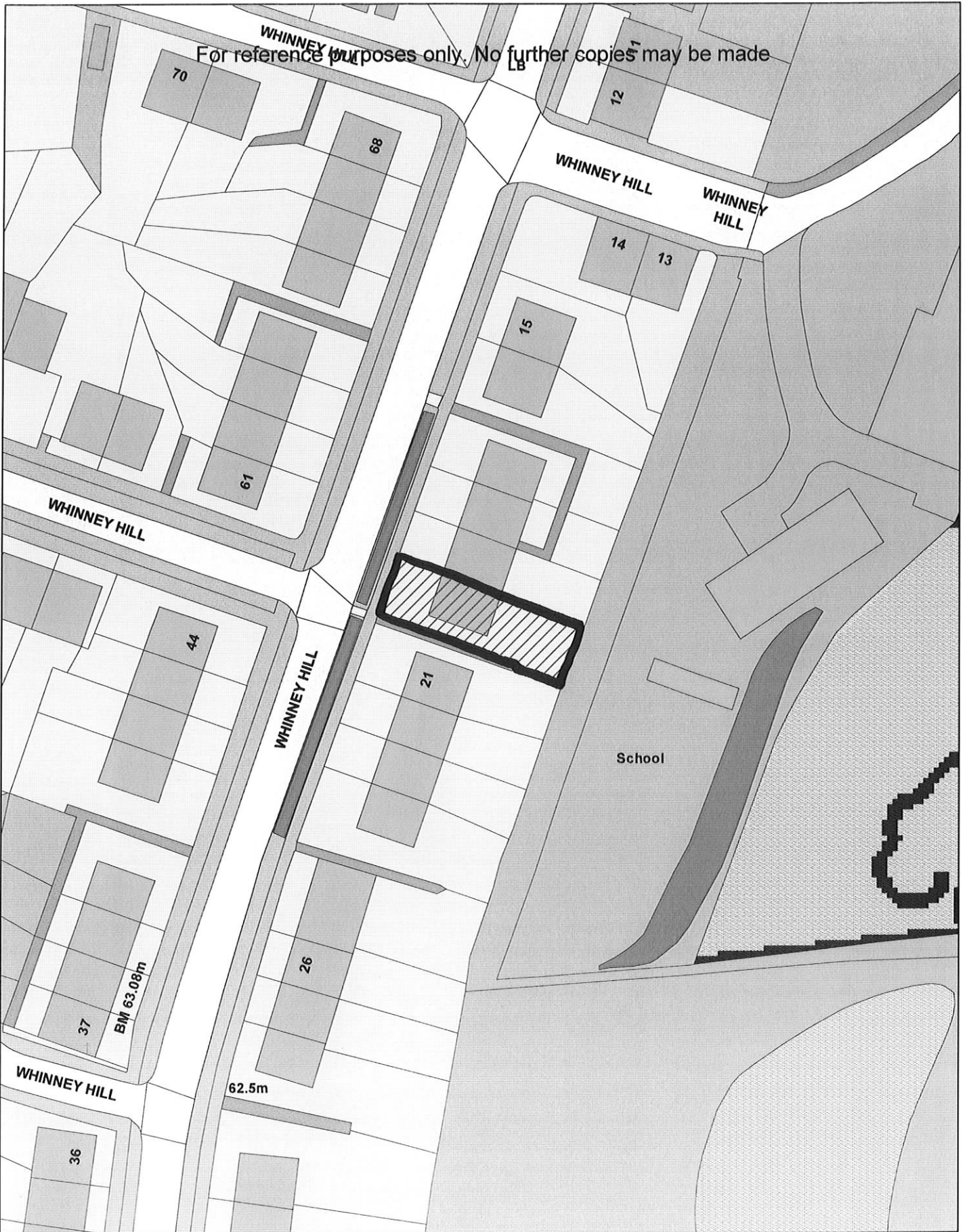
Final Report *Evidence gathering – Housing in Multiple Occupation and possible planning responses*. CLG September 2008

Response from County Highway Authority

Public Consultation Responses

Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of  
Durham

Planning Services

Application No. 4/08/00802/FPA

20 Whinney Hill, Durham

Comments

Date

31 October 2008

Scale

1:625

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# **CITY OF DURHAM**

## **DEVELOPMENT CONTROL COMMITTEE 12<sup>th</sup> November, 2008**

### **Reports for Information**





# Appeal Decision

Site visit made on 23 September 2008

by **Graham Garnham BA BPhil MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
26 September 2008

**Appeal Ref: APP/Z1320/A/08/2076261**

**Land to side at 48 Garden Terrace, Coxhoe, Durham, DH6 4EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stuart Brain against the decision of City of Durham Council.
- The application (Ref 4/08/00329/FPA), dated 2 April 2008, was refused by notice dated 29 May 2008.
- The development proposed is 'erection of two dwellings'.

## Decision

1. I dismiss the appeal.

## Main issues

2. I consider that the main issues are firstly, the effect of the proposal on the character and appearance of the area; and secondly, whether it would provide adequate amenity and privacy for incoming occupiers.

## Reasons

3. The appeal site is an underused side garden. It is agreed that housing is an acceptable use of the site in principle, in a village where planning policy encourages such development. A planning permission exists for a detached dwelling.

### ***First main issue – effect on character and appearance of the area***

4. The street scene becomes less urbanised and more open as the site is approached from the older part of Coxhoe. On the facing side of the road, building heights reduce to terminate with the varied but largely single storey forms of the school opposite the site. On the appeal site side, the continuity of built form is interrupted by an older detached house and then the building line steps back with deeper front gardens in the terrace that ends with no.48.
5. The dwelling on plot 1 would continue the building line of Garden Terrace and have a 2 storey form characteristic of the road. It would however be at an angle to the alignment of the highway and little over 1 metre from the footway at the closest point. The house on plot 2 would have accommodation on 3 floors. The semi-dormers and 3 floor front bay would be particularly incongruous given that plain elevations with occasional ground floor bays characterise the road. It would provide a tall, narrow and blank gable end that would occupy about half the depth of the plot. The building would be sited at an angle to the front boundary of the plot, less than 1 metre from the footway at its closest point. I consider that this "statement" would be a poorly proportioned and discordant feature at a prominent site on the edge of the village.

6. So far as the design, detailing and materials are concerned, I consider that the proposed dwellings would have the appearance of homes on a modern estate. There are no doubt places in Coxhoe where this would be appropriate, but in my view the edge of the village where older buildings and styles predominate is not one of them.
7. National planning policy in PPS3, *Housing*, recognises that new housing is an effective use of previously developed land. However, PPS3 is also clear that using land efficiently should have regard to such matters as the characteristics of an area and the desirability of achieving good design. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted. I consider that the proposal falls significantly short in this respect, and that this is not overridden by the desirability of providing new housing to assist the regeneration of Coxhoe. Although my main concern is with plot 2, I consider neither dwelling as proposed would represent a sensitive design response to its context.
8. I conclude that the proposal would have a materially harmful effect on the character and appearance of the area. This would be contrary to saved policies H13 & Q8 in the City of Durham Local Plan (2004).

***Second main issue – adequacy of amenity and privacy***

9. Both dwellings would have 2 bedrooms and could accommodate a number of inhabitants. Rear gardens would be small especially on plot 2. They would be even smaller if a second car parking space was to be provided to satisfy the highway authority. However, I do not consider that the amount of outdoor space would either be intrinsically too small or be under-sized for the locality. Incoming residents would be well aware of the situation and would also benefit from the open aspect over farmland to the rear. Rooms and windows would be arranged to avoid overlooking and to provide privacy inside the dwellings.
10. Although the plots would be small, I conclude that the proposal would provide adequate amenity and privacy for incoming occupiers. There would be no conflict with the purposes of local plan policies H13 & Q8.

***Overall Conclusion***

11. Overall and on balance, I consider that the significant harm to the character and appearance of the area would not be outweighed by the adequate amenity and privacy provided to incoming occupiers. The fact that the site is not attractively maintained does not warrant giving planning permission for an unacceptable proposal.
12. I have considered all other matters raised, including local support for the proposal, but they do not alter my decision.

*G Garnham*

INSPECTOR

**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 1 October 2008**

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

Number and Applicant	Location	Proposal
08/00646/FPA Mr D Matthews	Crime Rigg Farm House Crime Rigg Bank Shadforth Durham DH6 1LA	Change of use of former sand quarry land to garden and residential parking area
*08/00680/OUT Mr C Todd	Land Adjacent 14 South Terrace Framwellgate Moor Durham DH1 5EN	Outline application for the erection of detached dwelling house incorporating existing garage
*08/00694/AD Primesight	4-5 The Leazes Bowburn Durham DH6 5AA	Erection of 2 no. internally illuminated wall mounted advertisement display units
08/00722/FPA Mr And Mrs Bone	9 Black Road Langley Moor Durham DH7 8LW	Erection of porch to front and dormer windows to rear

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

Number and Applicant	Location	Proposal
07/00458/FPA Mr R Lister	38 Russell Street Waterhouses Durham DH7 9AR	Demolition of existing rear offshoot and erection of two storey rear extension, 2 no. single storey extensions and formation of 2 no. decked areas
08/00460/FPA H M Prison Durham	H M Prison Durham Old Elvet Durham DH1 3HU	Erection of single storey flat roof building

08/00590/LB Mr Atkinson And Mrs Thompson	Providence House 11 Providence Row Durham DH1 1RS	Removal of internal wall and inserting of boxed steelwork supports, in existing dwelling house
08/00615/AD Mr D Arnott	St Laurence Church Pittington Durham DH6 1AE	Erection and display of 3.5m high free standing notice board within churchyard adjacent to entrance
*08/00629/FPA Mr K Maddison	Bay Cottage 28 Sunderland Bridge Durham DH6 5HD	Raising of ridgeline of existing rear offshot together with erection of single storey pitched roof extensions beyond
08/00665/FPA Patricks	Former Mill Garages Alma Place Dragonville Durham DH1 2HN	Alterations to external appearance of building involving grey cladding to fascia above shop window level
08/00668/FPA Mr A Hodgson	19A Wearside Drive Durham DH1 1LE	Amendments to previously approved two storey extension to side (4/07/00563) including formation of gable end and balcony to front elevation
08/00685/FPA Mr J Sedgewick	117 High Street North Langley Moor Durham DH7 8JH	Conversion of existing dwelling to form 2 no. apartments including external alterations and construction of pitched roof over two storey rear extension and demolition of fuel store and garage (application to retain works already carried out and approved by 4/07/0070)
*08/00688/AD Mr J Marshall	Fallen Angel Hotel Ltd 34 Old Elvet Durham DH1 3HN	Erection of 1 no. non-illuminated projecting sign and bracket, 1 no. non-illuminated wall plaque, and 1 no. internally illuminated menu box

*08/00693/VOC Mr G Wren	Land Adjacent To The West Border Of Kelloe Law Plantation Durham	Variation of conditions 6 and 8 of approval 4/08/193
08/00696/AD Lloyds TSB Property Management	4 Station Avenue Esh Winning Durham DH7 9HW	Erection and display of replacement internally illuminated tablet sign above ATM
08/00701/LB Durham Market Company	Durham Indoor Market Market Place Durham DH1 3NJ	Installation of ventilation system on internal mezzanine level of market hall, exiting roof to rear of building
*08/00705/FPA Mr A Peel	Blackgate Garage 20 Blackgate East Coxhoe Durham DH6 4AL	Change of use of existing workshop/store (B1) to retail unit (A1) and use of existing shop for storage, with provision of parking spaces
08/00708/FPA The Co-operative Group	Co-op Store Carr House Drive Newton Hall Durham DH1 5LT	Retrospective application for erection of externally mounted condensor units in rear service yard of existing retail unit
*08/00710/FPA Hope Estates	24 Mitchell Street Durham DH1 4DQ	Erection of two storey and single storey pitched roof extensions to rear of existing dwelling and installation of 2 no. rooflights to rear roof slope (resubmission)
*08/00711/CAC Hope Estates	24 Mitchell Street Durham DH1 4DQ	Demolition of existing single storey extension in connection with proposals for the erection of two storey and single storey pitched roof extensions to rear of existing dwelling and installation of 2 no. rooflights to rear roof slope (resubmission)
08/00712/FPA Mr B Stout	37 Kirkstone Drive Carrville Durham DH1 1AH	Erection of single storey pitched roof extension to rear of existing dwelling

*08/00719/FPA Mr S Errington	10 Buckinghamshire Road Belmont Durham DH1 2BD	Erection of two storey pitched roof extension to rear of existing dwelling
08/00720/FPA Dr E Llewelin	Land To Rear Of Robson Terrace Shincliffe Durham DH1 2NL	Erection of building to include garage for private car, workshop and garden room
08/00721/FPA Mr D Knapton	27 Alexandra Close Framwellgate Moor Durham DH1 5ED	Erection of front porch
08/00725/FPA Mr B Brown	8 Windsor Court Croxdale Durham DH6 5JE	Erection of conservatory to rear of existing dwelling
08/00726/FPA Mr D Holmes	27 Winchester Road Newton Hall Durham DH1 5QU	Erection of single storey pitched roof extension to rear, front porch and pitched tiled roof over existing flat roofed garage and utility
08/00730/FPA Mr R Freeley	52 Claypath Durham DH1 1QS	Demolition of existing WC to rear and erection of single storey pitched roof extension
08/00731/LB Mr R Freeley	52 Claypath Durham DH1 1QS	Demolition of existing WC to rear in connection with erection of single storey pitched roof extension
*08/00739/FPA Mrs P Callaghan	41 Albert Street Durham DH1 4RJ	Erection of boundary fence
*08/00742/TPO Dr Gourlay	3 Buford Court Western Hill Durham DH1 4TL	Works to 2 no. trees including crown lifting, thinning and reshaping
*08/00744/TPO Mrs N Appleton	4 Buford Court Western Hill Durham DH1 4TL	Works to 1 no. Oak tree including crown lift and clean



08/00763/FPA  
Mr D McCormick

Baal Hill Farm  
Sandy Lonnen  
Waterhouses  
Durham  
DL15 9AR

Erection of two storey pitched roof extension to side of existing dwelling and conversion of loft involving insertion of 2 no. pitched roof dormer windows to front elevation and 3 no. rooflights to rear (amended description)

3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
08/00788/CM Bowburn Junior School	Bowburn Junior School Surtees Avenue Bowburn Durham DH6 5EA	Erection of parent waiting shelter with associated pedestrian access link and hardstanding

\* Determined under Chairman and Vice-Chairman Delegated Authority

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



**CITY OF DURHAM**

**APPLICATIONS DETERMINED UNDER PLENARY POWERS**

**PRINTED ON 27 October 2008**

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

Number and Applicant	Location	Proposal
08/00679/AD Lloyds TSB Property Management	19 Market Place Durham DH1 3NL	Erection of internally illuminated fascia sign comprising individual lettering and logo, externally illuminated projecting sign, and internally illuminated window mounted ATM sign
08/00706/AD Rev A Currer	St Cuthberts Presbytery Old Elvet Durham DH1 3HL	Erection of non-illuminated freestanding sign
*08/00714/LB Lloyds TSB Property Management	19 Market Place Durham DH1 3NL	Internally illuminated fascia sign, externally illuminated projecting sign and internally illuminated ATM Tablet
08/00732/FPA Mr R Breward	8 Frederick Street South Meadowfield Durham DH7 8LZ	Erection of two storey detached dwellinghouse
08/00737/FPA Mr J Thompson	Land East Of Town Kelloe Town Kelloe Kelloe Durham DH6 4PR	Change of use of land for static caravan for security purposes
08/00747/FPA Mr G Maw	Coalford Lane Farm Littleton Durham DH6 1RD	Alterations to existing equestrian building including raising the roof height by 2.9 metres
*08/00753/OUT Mr And Mrs Walker	Land Fronting Pit House Lane Adjacent Lilac Cottage Leamside Durham	Outline consent for the erection of detached dwelling house (all matters reserved)

\*08/00765/FPA  
Mrs M Campbell

20 Warkworth Road  
Newton Hall  
Durham  
DH1 5PB

Erection of two storey pitched roof extension to existing garage to provide double garage with ancillary accommodation above

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

Number and Applicant	Location	Proposal
08/00505/FPA Mr J Dickenson	1 Field House Terrace Durham DH1 4NA	Erection of iron railings on top of existing brick wall to front and side of existing garden
08/00580/TPO University Hospital Of North Durham	University Hospital Of North Durham North Road Durham DH1 5TW	Tree works consisting 1 no. Maple - fell to ground level, 1 no. Beech - fell to ground level, 1 no. Sycamore fell to ground level, 1 no. Oak -fell to ground level and 1 no. Beech - fell to ground level (Amended Description)
08/00612/FPA Mrs W Wilson	28 Steetley Terrace Quarrington Hill Durham DH6 4QJ	Erection of detached garage
08/00618/FPA The Governors	Sherburn Hospital Sherburn House Durham DH1 2SE	Change of use of part of existing flat to form offices and store
08/00622/FPA Mrs S Sutherland	Land To The Rear Of 34 John Street North Meadowfield Durham	Erection of 1 no. two storey detached dwelling
08/00625/FPA Mr G Burns	2 Paradise Cottages Shadforth Durham DH6 1NJ	Erection of all weather horse exercise area, including fencing and gateway (revised and resubmitted)
08/00671/FPA FX Corporation	46 High Street Durham DH1 3UL	Insertion of new door to front elevation of existing building

08/00675/FPA Haslam Homes (North East) Ltd	Land At Tail Upon End Lane Bowburn Durham	Application for substitution of house types on plots 12, 16, 20, 28, 29, 32, 33, 37, 38, 41, 42, 53, 54, 66, 68, 69, 71, 72 and 74 pursuant to planning permission 07/00311/FPA
08/00676/FPA Haslam Homes (North East) Ltd	Land At Finchale View West Rainton Durham	Substitution of house types on plots 2, 3, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 41, 48, 51, 52, 53, and 54 from approval 4/07/360
08/00689/FPA Mr Dugdale	9 Holly Park Brandon Durham DH7 8QE	Erection of 1800mm high wall/fence to rear of existing dwelling
08/00695/FPA Mr E Pratt	37 Bogma Avenue Coxhoe Durham DH6 4EW	Erection of two storey pitched roof extension to side of existing dwelling with re-erection of detached garage to side (revised and resubmitted)
08/00698/AD Lloyds TSB Property Management	28 New Elvet Durham DH1 3AL	Erection and display of non illuminated fascia sign and tablet, non illuminated ATM surround and non illuminated projecting sign (description amended 09 October 2008)
08/00700/FPA Mr J Hewitson	64 Dene View Cassop Durham DH6 4RP	Erection of conservatory to rear of existing dwelling
08/00702/AD Bowburn And Parkhill Community Partnership	Highway Verge Adjacent To 48 Ramsay Street, Tursdale Highway Verge Adjacent To Bowburn Library And Land At Prince Charles Avenue, Bowburn	Erection of 3 no. non-illuminated free-standing notice boards
*08/00705/FPA Mr A Peel	Blackgate Garage 20 Blackgate East Coxhoe Durham DH6 4AL	Change of use of existing workshop/store (B1) to retail unit (A1) and use of existing shop for storage, with provision of parking spaces

08/00718/FPA Mr C Milburn	70 Grinstead Way Belmont Durham DH1 1LZ	Erection of conservatory to rear of existing dwelling
08/00734/FPA Lloyds TSB Bank	28 New Elvet Durham DH1 3AL	Erection of replacement shopfront and erection of 3 no. air conditioning units to rear elevation of existing building
08/00740/FPA Mr Field	20 St. Cuthberts Walk Langley Moor Durham DH7 8YA	Erection of two storey pitched roof extension to side and rear incorporating garage for private car and single storey pitched roof extension to rear of existing dwelling
08/00741/FPA Mr A Hamilton	White Lodge High Street Low Pittington Durham DH6 1BE	Erection of single storey pitched roof extension to side, and pitched roof atop existing attached garage to rear of existing dwelling
08/00743/FPA Mr S Lambert	33 Coppice Hill Esh Winning Durham DH7 9QQ	Erection of single storey pitched roof extension to front of existing residential bungalow
08/00750/FPA Mrs J Todd	39 The Avenue Pity Me Durham DH1 5DY	Erection of single storey pitched roof extension to front of existing dwelling
08/00752/FPA Mr E Clark	34 Hawthorn Terrace Durham DH1 4EL	Demolition of existing rear extension and erection of two storey pitched roof extension to rear, and insertion of 2 no. roof lights each to front and rear of existing roofslopes (resubmission)
08/00754/FPA Mr A Basden	7 Eggleston Close Newton Hall Durham DH1 5XR	Erection of front porch

08/00755/FPA Durham Cathedral	Western Riverbank 90 Metres Downstream From The Cornmill Durham Riverbanks Durham	Reinforcement of eroded 3 metre section of riverbank with dendrix matting, topsoil, grass seed and appropriate planting
08/00756/FPA Mrs J Graham	Parkys Taxi Office New Brancepeth Club Tuscan Close New Brancepeth Durham DH7 7HZ	Change of use from taxi office to hairdressing salon
*08/00761/AD Claypath Dental Practice	Claypath Dental Practice 71 Claypath Durham DH1 1QT	Erection of non-illuminated projecting sign to front elevation of existing building (revised and resubmitted)
*08/00762/LB Claypath Dental Practice	Claypath Dental Practice 71 Claypath Durham DH1 1QT	Erection of projecting timber sign with metal bracket to front elevation of existing building (revised and resubmitted)
08/00767/FPA Mr And Mrs Crosby	151 Devonshire Road Belmont Durham DH1 2BN	Erection of conservatory to rear of existing dwelling
08/00768/FPA Mr I Walton	New College Durham Framwellgate Moor Campus Framwellgate Moor Durham DH1 5ES	Relocation of existing nursery facility for temporary period including change of use of existing parking area and landscaping to associated outdoor play space
08/00771/FPA Bankmachine Ltd	29B Prince Charles Avenue Bowburn Durham DH6 5DJ	Installation of ATM to front elevation of existing building
08/00772/AD Bankmachine Ltd	29B Prince Charles Avenue Bowburn Durham DH6 5DJ	Erection and display of internally illuminated sign above proposed ATM to front elevation of existing building

08/00773/FPA Mr J Taylor	Land At Low Raisby Farm Low Raisby Farm Road Kelloe Durham DH6 4PW	Erection of agricultural building
08/00774/FPA Mrs S Oxley	Harehill Farm Haswell Durham DH6 2BA	Change of use and conversion of agricultural building to form 1 no. dwelling (revised and resubmitted)
08/00776/FPA Mrs S Lydon	17 Rochester Road Newton Hall Durham DH1 5PW	Erection of single storey pitched roof extension to rear of existing dwelling and minor alterations to front elevation including pitched roof porch
08/00777/FPA Mr J Charlton	4 Southend South Road Durham DH1 3TG	Insertion of window to side elevation of existing garage
08/00778/FPA Mr R Stokes	12 Baliol Square Durham DH1 3QH	Erection of single storey pitched roof extension to side and rear of existing dwelling and erection of pitched roof over existing side extension
08/00779/FPA Mr P O'Connor	Pine Lodge Lea Rigg West Rainton Durham DH4 6SH	Erection of single storey pitched roof extension to rear of existing dwelling
08/00780/FPA Mr J Siddall	92 Brookside Witton Gilbert Durham DH7 6RU	Erection of flat roofed extension to front of existing garage, increase height of utility room at rear and erection of replacement pitched roof porch to front
08/00781/FPA Mr G Hendry	7 Blackburn Close Bearpark Durham DH7 7TQ	Erection of single storey pitched roof extension to rear of existing garage



08/00782/FPA Mr J Kelly	11 Peterborough Road Newton Hall Durham DH1 5QX	Erection of two storey pitched roof extension to side incorporating balcony, and single storey pitched roof extension to rear of existing dwelling (revised and resubmitted)
08/00784/FPA Phones 4 U Ltd	39 Silver Street Durham DH1 3RD	Removal of existing steel security shutter and formation of new doorway in association with erection of external fire escape to rear of existing building
08/00786/FPA Mr Durrill	10 Neville Square Durham DH1 3PY	Erection of conservatory to rear elevation of existing dwelling
08/00790/FPA Mr D Grainger	15 Foster Terrace Croxdale Durham DH6 5HP	Erection of pitched roof dormer extension and rooflight to rear and 2 no. rooflights to front of existing dwelling
08/00794/FPA Mr L Brains	Finchale Farm Brasside Durham DH1 5SD	Change of use and conversion of existing building to form 1 no. residential dwelling
08/00803/FPA Mr D Jamieson	18 Alston Way Meadowfield Durham DH7 8XF	Erection of detached pitched roof garage to rear of existing dwelling
08/00807/FPA Mr And Mrs Byng	7 Church Street Villas Durham DH1 3DW	Erection of single storey pitched roof extensions to rear of existing dwelling and erection of double detached garage to rear (revised and resubmitted)
08/00812/FPA Vodafone Uk Ltd	Long Stay Car Park Durham Train Station Durham	Erection of 3 no. replacement equipment cabinets and erection of replacement antennae to existing monopole together with 1.8m high palisade fencing

08/00813/FPA Mr And Mrs Matthews	1 Lady Durham Close Sherburn Durham DH6 1RW	Erection of single storey pitched roof extension to side and rear of existing dwelling (revised and resubmitted)
08/00819/FPA Mr K McKenzie	14 Lea Rigg West Rainton Durham DH4 6SR	Erection of conservatory to rear elevation of existing dwelling
08/00842/FPA Mr J Charlton	24 The Avenue Durham DH1 4ED	Demolition of part of rear yard wall and erection of detached garage block with 1 no. dormer window and part storage over together with erection of 1.8m high timber gates to side and insertion of 1 no. and enlargement of 1no. window to rear elevation of existing building (revised and resubmitted)
08/00848/VOC Dunelm (Bowburn) Ltd	Land At Former Cape Asbestos Works Durham Road Bowburn Durham	Variation of condition 10 of approval 4/06/00631/OUT to allow construction of 150 dwellings prior to completion of highways and drainage infrastructure works for employment site
08/00851/CAC Mr J Charlton	24 The Avenue Durham DH1 4ED	Demolition of part of rear yard wall in connection with the erection of detached garage block with 1 no. dormer window and part storage over together with erection of 1.8m high timber gates to side and insertion of 1 no. and enlargement of 1 no. window to rear elevation of existing building (revised and resubmitted)

3. Raise no objection to the County Matter listed below.

Number and Applicant	Location	Proposal
08/00832/CM Durham Bluecoat C Of E Junior School	Durham Bluecoat C Of E Junior School Langley Road Newton Hall Durham DH1 5LP	Erection of carpark lighting
08/00871/CM Durham County Council	Abbey Day Centre Abbey Road Pity Me Durham DH1 5DQ	Formation of accessible footpath to provide wheelchair access
08/00901/CM Shincliffe Church Of England Primary School	Shincliffe C Of E Junior & Infant School High Street High Shincliffe Durham DH1 2PN	Erection of parent waiting shelter and outdoor play area canopy

\* Determined under Chairman and Vice-Chairman Delegated Authority

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



# List of Approvals

From 25/09/2008 to 30/10/2008

Number and Applicant	Location	Proposal
08/02226/OTHC HMP Durham	H M Prison Durham Old Elvet Durham City DH1 3HU	Installation of portable building for offices.
08/03550/OTHDOM Trevor Graham	Lawsons Wholesale 1 High View Ushaw Moor Durham DH7 7QQ	Change of use and conversion of shop into residential unit
08/03563/DEX Mr & Mrs Broadbridge	Flass Hall Flass Terrace Esh Winning Durham DH7 9QD	Kitchen Extension
08/03565/OTHDOM Mr Andrew Peel	Blackgate Garage 20-23 Blackgate East Coxhoe Durham DH6 4AL	Removal of 3 load bearing walls 2 internal and 1 external
08/03602/DEX Mr & Mrs Hodge	22 Holmlands Crescent Framwellgate Moor Durham DH1 5AR	Two storey side extension and rear offshoot
08/03618/OTHC Durham University	Dunelm House New Elvet Durham DH1 3AN	Minor Internal Alterations to Level A
08/03632/DOM Kelvin Ryan	Land At Broomhall Drive Ushaw Moor Durham DH7 7LS	Erection of 29 dwellings consisting of 11 two storey dwellings and 18 bungalows with associated roads, footpaths and landscaping areas.
08/03811/PARTNR Durham County Council	Willington Library 46a High Street Willington Crook Co Durham DL15 OPG	Resurfacing of existing path to the main entrance, new automated sliding doors, new reception counter and floor covering

Number and Applicant	Location	Proposal
08/03988/OTHC Chris Hall	Spennymoor Day Centre Barnfield Road Spennymoor Co Durham DL16 6EA	Installation of Fire Alarm system throughout
08/03996/DEX St Josephs R C Primary	St Josephs Rc School Durham Road Ushaw Moor Durham DH7 7LF	Extension
08/04721/OTHC County Durham &	University Hospital Of North Durham North Road Durham City Durham DH1 5TW	Proposed Modular building to house cell cleaning unit
08/04851/DRO E & J Clark	6 High Wood View Durham City DH1 3DT	Loft Conversion and internal alterations
08/04879/DEX Mr J McManus	The Anchorage Rainton Gate Houghton-le-Spring DH4 6SQ	Demolish existing garage and erect new garage and single storey domestic extension
08/04916/OTHC Durham University	Dunelm House New Elvet Durham DH1 3AN	Installation of cold room to kitchen/blocking up doorway
08/04918/DIS Mr Brian Robinson	Abbey Day Centre Abbey Road Pity Me Durham DH1 5DQ	New Accessible ramped footpath from Abbey road to the Main Entrance
08/04919/DIS Governors Of St Oswalds	St Oswalds C Of E Infants School Church Street Durham City DH1	Accessible toilet with changing table
08/04920/DEX James Jones	14 Lincolnshire Close Belmont Durham DH1 2BP	Front and rear extensions and garage conversion
08/04922/DEX Steven Knaggs	32 Park View Langley Moor Durham DH7 8JU	Kitchen Extensions and pitched roof in lieu of flat roof
08/04923/OTHDOM Mr S Patel	14 Goodwell Lea Brancepeth Durham DH7 8EN	Ground Floor Porch and enlargement of 1st floor landing area

Number and Applicant	Location	Proposal
08/04983/DEX Mrs J Howe	15 Cambridge Terrace Bowburn Durham DH6 5AY	Single Storey Utility Room Extension
08/05119/DOM Calibre Construction	Land Adjacent To 4 Field View Terrace Bearpark Durham DH7 7AD	Erection of 2 no terraced dwellings
08/05145/PARTNR Durham County Council	South Moor Greenland Community Infant School Terrace Stanley DH9	Window Replacement Works
08/05196/PARTNR Mr Branscombe	26 Greenwell Park Lanchester DH7 ONW	Utility and shower room extension
08/05198/DEX Bryan Stout	37 Kirkstone Drive Carrville Durham DH1 1AH	Rear Sun Lounge
08/05244/OTHC Mrs H Johnston	Elemore Hall School Elemore Hall Road Elemore Hall Littleton Durham DH6 1QQ	Refurbishment to boys toilet block ground and first floor
08/05245/DEX Mrs R Irving	53 South Terrace Esh Winning Durham DH7 9PS	Utility, Bathroom & Store
08/05246/DEX Mr Hinson	16 Kira Drive Pity Me Durham DH1 5GU	Garage Extension and Garage Conversion
08/05247/DEX Mr G Ellis	6 Patterdale Close Belmont Durham DH1 2UF	Dining Room, Lounge & Sun Room Extension
08/05248/DEX Mr Burt	13 Geoffrey Avenue Durham DH1 4PF	Kitchen, Utility, Store & Bedroom Extension
08/05249/DEX Mr Hill	9 Witton Grove Framwellgate Moor Durham DH1 5AB	Dining Room Extension

Number and Applicant	Location	Proposal
08/05250/PARTNR Mrs Howe	6 Morney Hill Road East Denton Newcastle NE5 2AQ	Kitchen, Utility, Bedroom & Bathroom Extension
08/05251/PARTNR Mr N Gray	6 North Road Chester-Le- Street Co Durham DH3 4AH	Loft Conversion
08/05252/ELECTR Darren Creevy	The Works 29 Silver Street Durham City Durham DH1 3RD	Refurbishment of retail unit including new lighting and air conditioning
08/05334/ELECTR Wendy Brookes	Rose Cottage The Green Hett Durham DH6 5LU	Erection of first floor pitched roof 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
08/05335/ELECTR Lynn Hindmarsh	1 Wolsingham Drive Newton Hall Durham DH1 5SP	Single and 2 storey rear extension
08/05357/PARTNR Mr J Gallagher	Conelea Pelton Fell Road Chester-Le-Street Co Durham DH2 2NG	Garage conversion with room in roof space
08/05363/PARTNR Carol O'Malley	Consett Community Sports College Durham Road Blackhill Consett Co Durham DH8 5TW	Adaptions to 3 no technology rooms
08/05366/DEX Mr & Mrs Todd	39 The Avenue Pity Me Durham DH1 5DY	Lounge Extension



Number and Applicant	Location	Proposal
08/05370/OTHC Prince Bishops Unit Trust	Unit 15, 17, 20 _ 21 Prince Bishop Shopping Centre High Street Durham DH1 3UL	Stripping out and re- configuration of units, including new shopfront
08/05377/DEX Mr L Barker	25 Aldin Grange Terrace Bearpark Durham DH7 7AN	Bedroom and Sun Lounge Extension



## List of Regularisations

From 25/09/2008 to 30/10/2008

Number and Applicant	Location	Proposal
08/05207/GLAZRG Mr Antony Harold Maddison	St Catherines House Front Street Broompark Durham DH7 7QX	Original Wooden Windows Replaced by double glazing units
08/05254/OTHDRG Mr Geoff _ Mrs Katrina Clarkson	17 - 19 Monks Crescent Gilesgate Durham DH1 1HD	Conversion of 1 dwelling into 2



# Building Notices

Between 25/09/2008 and 30/10/2008

## Number of cavity wall insulation applications 23

Number and Applicant	Location	Proposal
08/03612/OTHDBN Mr & Mrs G W Barlow	22 St Lawrence Close High Pittington Durham DH6 1RB	First Floor extension to rear and dormer roof to front to provide 2 Bedrooms
08/03984/OTHDBN Mrs J Jacques	25 Ayden Grove Newton Hall Durham DH1 5FS	Cut out and install french opening doors
08/03986/GLAZBN Mr & Mrs S Bell	126 Raby Road Newton Hall Durham DH1 5NH	Windows
08/04852/OTHDBN Mrs Bagnall	26 Swinside Drive Carrville Durham DH1 1AD	Fitting UPVC Windows and Lintels
08/04913/OTHDBN Mrs Dawn Walton	31 Welby Drive Ushaw Moor Durham DH7 7GA	Conversion of garage into a room
08/04914/DEXBN Steven Flower	11 Winchester Road Newton Hall Durham DH1 5QU	Sunroom
08/04915/OTHDBN Malcolm Hodgson And Pamela Florence Cave	32 Scardale Way Belmont Durham DH1 2TX	Conversion of attached single garage to kitchen using existing drainage and window to front
08/04917/DEXBN T Dumighan	16 Ivesley Cottages Waterhouses Durham DH7 9AY	Small Extension
08/04982/OTHDBN Mr I J Lessels	16 North Brancepeth Close Langley Moor Durham DH7 8LX	Garage Conversion
08/04984/GLAZBN Mr Ferguson	15 Front Street Broompark Durham DH7 7QX	Window

Number and Applicant	Location	Proposal
08/05120/DEXBN Bruce And Gloria Middleton	The Clockstand 62 Broome Road Carrville Durham DH1 1ND	Single Storey Pitched Roof sunroom to rear
08/05193/DEXBN Mrs J Thompson	28 Geoffrey Avenue Durham DH1 4PF	Cavity Wall Insulation
08/05199/DEXBN Mrs Maddison	Woodleigh Cottage Abbey Road Pity Me Durham DH1 5DQ	2 Storey Extension
08/05253/OTHDBN Mr J W Slater	Witton Cottage Sacriston Lane Witton Gilbert Durham DH7 6QY	Internal Alterations
08/05340/OTHDBN David John Taylor	54 The Orchard Pity Me Durham DH1 5DA	Removal of internal wall in
08/05347/OTHDBN Paul Nicholson	Quarry Hill Wolsingham Road Brancepeth Durham DH7 8DW	Change 1 bedroom into 2 bathrooms and 1 bathroom back to a bedroom. Bathrooms vented into roof.
08/05356/OTHDBN Mrs Tonks	29 Brookside Witton Gilbert Durham DH7 6RU	Shower room built into utility room.
08/05372/GLAZBN Mr J W Slater	Witton Cottage Sacriston Lane Witton Gilbert Durham DH7 6QY	Replacement Windows
08/05373/OTHDBN Nicholas Warren	35 Mackintosh Court Gilesgate Durham DH1 1PY	Removal of Internal Wall (approx 3m) block old doorway.
08/05379/OTHDBN Mr Turner	27 Staindrop Road Newton Hall Durham DH1 5XS	Garage Conversion
08/05381/OTHDBN Mr H Green	1 St Cuthberts Way Sherburn Durham DH6 1RH	Convert Attached Garage to Living Room