

The above application was considered by the City Council under delegated powers on 28th June, 2004, 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) **CM4/08/418**
Johnson Brothers

Land at Quarrington Farm, Old Quarrington, Durham, DH6 5NN
Proposed anaerobic digestion of agricultural manure, agricultural crops and potato waste facility to produce electricity and manure.

The above application was considered by the City Council under delegated powers on 18th June, 2008, when it was resolved to raise objection as the proposed anaerobic digestion facility would have an unreasonable impact on 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, emphasising 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 had now considered the proposal and resolved to approve the application subject to conditions.

Resolved: That the report be noted.

262. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **06/00657/FPA**
Circle Red Properties
(Durham) Ltd

Land at Millburngate, Durham
Mixed land use development incorporating 71 student flats on 3no. upper floors, 3no. ground floor retail units and lower ground floor restaurant

Following a site inspection by the Committee in relation to this application, on 11th November, 2008, it was:-

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

- (1) In the opinion of the Local Planning Authority the proposed development, by reason of its scale, massing and architecture, would have an adverse impact upon the character and appearance of the Durham Castle and Cathedral World Heritage Site and the Durham (City Centre) Conservation Area. This would be contrary to the objectives of

Planning Policy Guidance (PPG) 15, and Policies E3 and E6 of the City of Durham Local Plan 2004.

- (2) In the opinion of the Local Planning Authority the proposed development, by reason of its location close to existing residential properties, internal arrangements, and inadequate amenity space for prospective occupants would be unsuitable for student occupation, contrary to Policy H16 of City of Durham Local Plan 2004.
- (3) In the opinion of the Local Planning Authority the proposed development, by reason of an inadequate geotechnical site analysis, has the potential to cause damage to neighbouring Listed Buildings, contrary to the objectives of PPG14 and Policy U13 of the City of Durham Local Plan 2004

Note: *Councillors Holland and Wilkes left the Meeting at 6.30 p.m.*

- (b) **07/00375/FPA** **Philips Components, Belmont Industrial Estate,**
Mandale Commercial Ltd **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)

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (3) - 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.

Note: *Councillor Simpson left the Meeting at 6.45 p.m.*

(c) **08/00158/FPA
08/00159/CAC
3R 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 1no. commercial unit (Class A1), 2no. office unit (Class A2), and 3no. apartments**

Resolved: (i) That the application no. 08/00158/FPA be **REFUSED** for the following reasons:-

- (1) The Local Planning Authority considers that the proposed development, by reason both its overall height, and the height of the front gable to be inappropriate in terms of scale in relation to both the site's Conservation Area setting, and the setting of the Durham Cathedral and Castle World Heritage Site, contrary to Policies E6, E22 and E3 of the City of Durham Local Plan, 2004
- (2) The Local Planning Authority considers that the proposed development, by reason both its overall height, and the height of the front gable to be of inappropriate scale and form in terms of its relationship to facing residential property, detrimentally affecting the privacy and amenity residents of which, could reasonably expect to enjoy, contrary to Policy Q8 of the City of Durham Local Plan, 2004

(ii) That application no. 08/00159/CAC be **REFUSED** for the following reason:-

The Local Planning Authority considers that the proposed development, involving development of a site prominent in the City Centre Conservation Area without benefits of an approved replacement development scheme is contrary to Policy E22 of the City of Durham Local Plan, 2004.

Note: *Councillors Kellett and Martin left the Meeting at 6.55 p.m.*

Note: Councillors Crooks, Freeman, Guy, Howarth, Kinghorn, Norman, Simmons, M.J.A. Smith, van Zwanenberg and Young declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

Note: Councillor Southwell declared a prejudicial interest in the undermentioned item and remained in the Meeting during consideration thereof.

(d) **08/00631/FPA**
P Smith

85 Gilesgate, Durham, DH1 1HY
Conversion of existing roofspace and 2no. study rooms to create 4no. additional bedrooms, totalling a 12no. bedroomed house in multiple occupation, including erection of 2no. rooflights, and 1no. additional window to the north elevation

Resolved: (i) That the 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.

(ii) 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.

Note: *Councillor Guy left the Meeting at 7.25 p.m.*

Note: *Councillor Young left the Meeting at 7.40 p.m.*

(e) **08/00802/FPA**
E Clark

20 Whinney Hill, Durham, DH1 3BE
Erection of two storey pitched room extension to side and rear of existing dwelling and single storey pitched roof extension to rear

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

- (1) The Local Planning Authority considers that by virtue of the scale of the extension and design the proposals fail to preserve and enhance the character and appearance of the Durham City Centre Conservation Area, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004
- (2) The Local Planning Authority considers that as a result of the scale of the side extension and its proximity to adjoining properties, it would have an overbearing and adverse impact upon the amenity of neighbouring properties, contrary to Policies Q8 and Q9 of the City of Durham Local Plan 2004

The Meeting terminated at 7.45 p.m.

Chair

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

10th December 2008

REPORT OF DIRECTOR OF STRATEGIC SERVICES

1. REPORT FOR INFORMATION

Section 106 Agreements

Members are asked to note that a report in relation to monies received from developers as part of planning conditions is attached.

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

10 December 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 Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
 - a) Appeal by JC Decaux UK
Site at Taj Mahal Tandoori, 51 High Street South, Langley Moor, Durham. DH7 8EU
 - b) Appeal by Claypath Dental Practice
Site at Claypath Dental Practice, 71 Claypath, Durham, DH1 1QT
 - c) Appeal by Mr T Lawson
Site at land at North Street, Hett, Durham, DH6 5LR
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**
- 4. Confirmation of Tree Preservation Orders**
 - a) Site at land adjacent to 46 Orchard Drive, Ferens Park, Durham
 - b) Site at Kirkstone Drive to the rear of 81 High Street, Carrville, Durham
 - c) Site at Castle Lodge, Brancepeth Village, Durham

5. Recommendation on other Applications

The applications on the following pages will raise issues, which merit some detailed comment. I set out below a summary together with my recommendations:

Number And Applicant	Location	Proposal	Recommendation
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ITEM 1

08/0677/FPA Shepherd Homes Ltd	Station House Old Station Yard Langley Moor Durham DH7 9TL	Erection of 23 no. dwellings with associated garages, parking and landscaping	APPROVE
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ITEM 2

08/00728/FPA Mr M Calzini	Union Hall Farm Brasside Durham DH1 5SG	Creation of rural education, equestrian and interpretation visitor centre involving: the construction of new buildings to provide indoor equestrian arena, shop, kiosk and toilets; change of use and conversion of existing buildings to provide staff area, visitor centre, animal barns and refreshment area; provision of amphitheatre, paddocks, footpaths, car and coach parking; and, formation of associated outdoor activities and landscaping	MINDED TO APPROVE
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ITEM 3

08/00840/FPA Kentucky Fried Chicken (GB) Ltd	Pod A Arnison Centre Pity Me Durham DH1 5GB	Use of unit within Use Classes A3 and A5 and formation of refuse and plant compound to rear and replacement door to front elevation	APPROVE
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ITEM 4

08/00857/FPA Peters Cathedral Bakers Ltd	Pod B Arnison Centre Pity Me Durham DH1 5GB	Use of premises within classes A1, A3 and A5, insertion of door to side elevation, formation of external seating area and erection of refuse and plant compound to rear of existing building	APPROVE
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ITEM 5

08/00886/FPA Vodafone UK Limited	Land Adjacent Gilesgate Roundabout Gilesgate Durham	Erection of 14.5m high telecommunications monopole with associated equipment cabin and formation of parking space for maintenance	REFUSE
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ITEM 6

08/00889/LB City of Durham Council	4, 6, 7, 9, 17, 18 And 19 Magdalene Street Gilesgate Durham DH1 1LG	Proposed replacement external doors and windows, refurbishment of kitchens and bathrooms and installations of central heating systems	APPROVE
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6. Enforcement Item

Site at Leazes Cottage, Leazes Place, Durham

ITEM 1

08/00677/FPA	Station House, Old Station Yard, Langley Moor, Durham, DH7 9TL
Shepherd Homes Ltd	Erection of 23 no. dwellings with associated garages, parking and landscaping

SITE AND APPLICATION DESCRIPTION

Anderson and Young Coachworks until recently operated from buildings and land located at the former station yard to the east of Langley Park. The site associated with that business now forms the application site.

Wallnook Lane lies to the north, off which are located a number of private houses. Open countryside lies to the east, south, and west.

Between Wallnook Lane and the site runs a public walkway which follows the route of the former railway line. Vehicular access to the former coachworks is taken from Wallnook Lane across the walkway at the north east corner of the site.

Planning permission is being sought for the erection of 23 dwellings to replace the coachworks. The buildings would be designed and constructed in such a way as to give the appearance of a converted farmsteading. A hierarchy of building sizes and types would stand along each side of a central and informal access road, devoid of accompanying formal footpaths but using shared surfaces for pedestrians.

A turning head at the western extremity of the site would be incorporated within a courtyard, while beyond the end of the access road, marked by a five-bar gate terminal feature, an existing public footpath running from Wallnook Lane towards Langley Park would remain undisturbed.

All the proposed dwellings would be designed in a rustic manner with local vernacular references. Materials would include slate, sandstone rubble, brick, and render. Each unit would have private garden space, parking or garaging, arranged in a manner appropriate to a traditional agricultural steading.

Vehicular access to the site would continue to be taken from Wallnook Lane in the manner currently enjoyed by the coachwork, with a central service road progressing in a east-west direction through a series of "farmyards".

This application is supported by a Design and Access Statement, Ecological Assessment, Ground Remediation Strategy, Risk Assessment and Geoenvironmental Appraisal.

RELEVANT HISTORY

Planning permission was granted in 2006 for a scheme similar to that which is now proposed, but for 12 dwellings. It too replicated a converted farm steading.

This followed a 2005 appeal decision. In dismissing an appeal against the City Council's 2004 decision to refuse planning permission for 13 dwellings on a similar site, for reasons of location in the countryside outside a settlement boundary and inappropriate suburban design, the appointed inspector stated that, should a design more sympathetic to such a rural

location be chosen, the merits of residential development would outweigh the “bad neighbourliness” of the then current coachworks for those living close-by in Wallnook Lane.

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 its goal to ensure that everyone has the opportunity to live in a decent home, which they can afford, in a community where they want to live.

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

REGIONAL POLICIES

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

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

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

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

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided

within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

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

Policy 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 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. The full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority accepts the proposal in terms of access, parking, internal road layout and traffic generation.

The County Archaeologist raises no objections.

Northumbrian Water offers no objections.

PUBLIC RESPONSES

Esh Parish Council, whilst not objecting to this application, comments that care must be taken to protect users of the public footpath which crosses the end of the site, and that traffic calming measures should be incorporated within the site's vehicular access to protect those using the former railway walkway.

Witton Gilbert Parish Council objects to the proposal on the grounds that it considers 23 dwellings to be too many for this site.

Twenty one letters of objection have been received from neighbouring residents, whilst a further objection letter has been received from Wallnook Residents Association. The Main concerns are the impact of the increased number of dwellings on the area in visual terms, its design, and a lack of landscaping that would help support local wildlife; the impact upon pedestrian and general road safety of increased traffic generation; impact upon the tranquillity of the area resulting from the increased activity associated with the number of proposed dwellings; and impact upon the safety of those using the former railway walkway.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at www.durhamcity.gov.uk.

PLANNING CONSIDERATIONS

The acceptability in principle of residential development on this site has been established by the extant 2006 planning permission. Accordingly, the acceptability or otherwise of the current proposal rests upon whether an increase in dwelling numbers from 12 to 23 would impact harmfully upon their surroundings in terms of visual intrusion, day to day activity, and pedestrian and highway safety.

In terms of scale and massing, this proposal is not significantly larger than that which was approved in 2006. Instead, the new owners of the site have taken the commercial view that, in the current economic climate, a larger number of smaller dwellings is more likely to attract buyers.

To achieve this in a built form appropriate to a prominent rural location the architects have worked closely with the City Council's Heritage and Design team to achieve the illusion of a converted group of existing farm buildings. This has been done through the use random window and door openings, detailed to appear as adaptations of earlier apertures; variations in building shapes and heights; and the employment of a range of materials. Then, through common local vernacular references and careful simple detailing, the buildings are visually brought together as a single cohesive entity that appears to have evolved through time, much in the way a traditional farmsteading would have developed.

Care has been taken to provide each home with private gardens in a manner appropriate to a "conversion" so as not to suburbanise the development, and space for boundary screen planting has been allowed within those gardens to soften the scheme's visual impact when viewed from a distance. Further landscaping would take place along plot boundaries and within the central service road margins, while the existing southern site boundary hedge would be retailed and reinforced where necessary. Where plot definitions within the central corridor they would take the form of stone enclosures typical of farmyard pens.

Following the aforementioned extensive amendments carried out since the application's original submission I have reconsulted those who had made representations concerning the original design. At the time of this report's preparation no further representations, or indeed withdrawals of earlier objections, have been received. I am therefore treating all third party representations as still standing, and now address each in turn.

In view of the care that has been taken in the design of this scheme, as discussed, I am unable to accept the criticism that it is physically too large for the site. The visual impact will not, in my judgement, be significantly greater than the approved 2006 development. Government policy contained within PPS3 encourages the maximisation of "brown field" site use. Furthermore, when compared with the commercial buildings that previously occupied the land, some of which still remain, the visual benefits of this proposal, in terms of both scale, massing and aesthetics are clearly demonstrable. Accordingly, I must conclude that this proposal satisfies the objectives of PPS1, 3 and 7, and Local Plan Policies E7, Q5 and Q8.

The additional impact of 21 dwellings in this location, as compared to the already approved 12, would not in my view result in demonstrable harm to this quiet rural location. It is accepted that there would be a difference between the two schemes in terms of social activity levels, but there is no evidence that this would necessarily lead to demonstrable harm to the amenity of the locality. Smaller dwellings may result in smaller families living within the development, and whilst a greater number of households would inevitably mean a greater number of cars, this is a pedestrian and highway safety issue to which I shall turn shortly, and would not in itself lessen the attractive character of the area, particularly when compared with the level and nature of traffic that was associated with the former coachworks.

The County Highway Authority has carefully studied the impact of traffic levels that would be associated with this proposal, and the ability of the local highway network to safely accommodate them. It is its conclusion that no harm would result, and once again bearing in mind the nature and level of traffic associated with the former coachworks, and the established commercial use still associated with the application site.

Due weight must be attached to this Authority's professional judgement, therefore it must follow that the objectives of Local Plan Policy T1 have been met.

Finally, turning to the matter of pedestrian safety, the public footpath running parallel to the site's western boundary will remain unchanged, with the proposed development's internal service road gated off from it. The crossing of the former railway line walkway by vehicles would still take place were the proposed development to proceed, as was the case with the former coachworks. However, domestic vehicles would predominate rather than commercial, and measures would be taken to alert drivers to the regular use of the public walkway by people on foot.

Accordingly I consider the objectives of Local Plan Policy R11 to be satisfied.

CONCLUSION

The acceptability in principle of housing in this location was established by the 2006 planning permission for 12 dwellings, which were designed to replicate a converted steading. This followed a planning inspector's recommendation, based upon the particular circumstances of this site. No precedent was set for housing in the countryside elsewhere.

At a time when there is an understandable reluctance to build new housing due to the economic climate, the applicants are willing to proceed with such a project. However, its financial viability necessitates an increased number of dwellings of a smaller floor area.

Overall, the scale and massing would not change to such a degree that harm to the character and appearance of the surrounding area, which includes open countryside and a number of private houses on or off Wallnook Lane, would result. Furthermore, it is the conclusion of the County Highway Authority that the additional traffic associated with a dwelling number increase can be safely accommodated within the local road network, and that those enjoying the nearby public footpath and railway walkway are unlikely to be threatened.

So in conclusion, this proposal has my support, particularly as it would result in the replacement of an inappropriately located, and less than attractive commercial enterprise, in otherwise unspoilt countryside.

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 before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. 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 buildings hereby approved shall be constructed with dry pointed verges to the main walls and shall avoid the use of bargeboards.
8. Notwithstanding the information shown on the submitted plan full joinery details set out within the attached schedule, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority before the development commences and thereafter implemented in accordance with the approved scheme.
9. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no garages or car ports (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no new glazing, or changes to the hereby approved glazing, shall be introduced to any wall or roof without the grant of further specific permission from the Local Planning Authority.
15. 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.
16. 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.
17. 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.
18. No development shall commence until a scheme for the decontamination of the application site has been agreed in writing with the Local Planning Authority and completed in accordance with that agreement. The scheme will take the form of a site investigation, and a decontamination method statement, and upon completion will be documented by a validation statement.
19. 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.
20. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation, as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, in relation to the development until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority, and is to that Authority's approval. The

said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site.

21. No dwelling hereby approved shall be occupied until a road built to adoptable standards has been constructed between Wallnook Lane and the new development, and until a scheme of warning signs protecting those using the public walkway crossed by the access road is implemented, after first being agreed in writing by the local Planning Authority.

BACKGROUND PAPERS

Planning Policy Statements PPS 1, 3, and 7

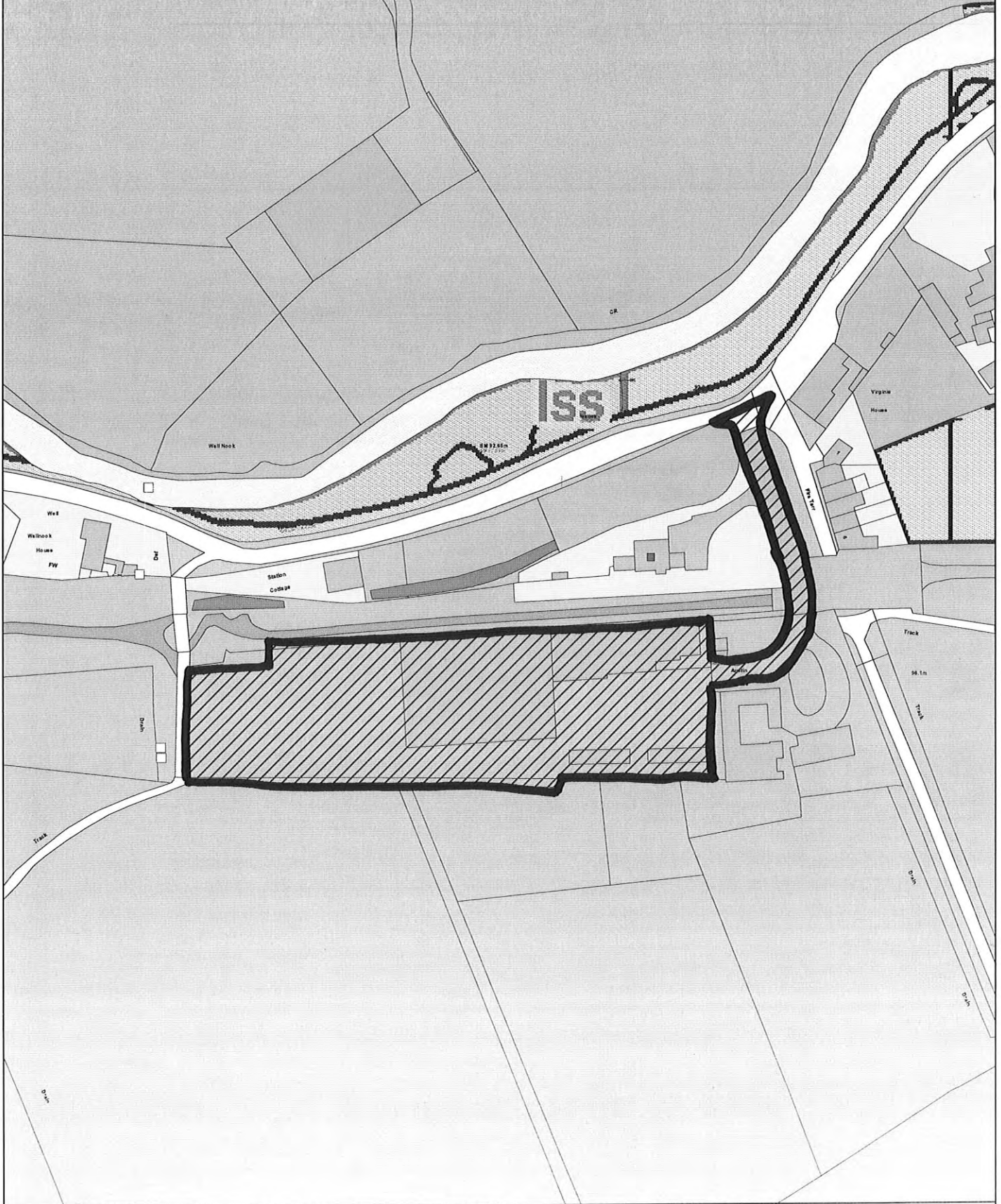
The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008

Local Plan Policies E7, Q5, Q8, Q15, R2, R11, T1 and U14

Submitted application forms, supporting documents, drawings and amended drawings

Responses from statutory consultees, parish councils, and neighbouring residents

For reference purposes only. No further copies may be made



 City of Durham	Planning Services		Application No. 4/08/00677/FPA	
			Station House, Old Station Yard, Langley Moor, Durham	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham City Council Licence No. 100022202 2005.	Comments			
	Date	27 November 2008	Scale	1:1637

ITEM 2

<p>08/00728/FPA</p> <p>Mr M Calzini</p>	<p>Union Hall Farm, Brasside, Durham, DH1 5SG</p> <p>Creation of rural area education, equestrian and interpretation visitor centre involving: the construction of new buildings to provide indoor equestrian arena, shop, kiosk and toilets; change of use and conversion of existing buildings to provide staff area, visitor centre, animal barns and refreshment area; provision of amphitheatre, paddocks, footpaths, car and coach parking; and, formation of associated outdoor activities and landscaping</p>
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SITE AND APPLICATION DESCRIPTION

The application site relates to Union Hall Farm, a substantial working farm complex, located at the eastern end of Finchale Avenue. The site extends to some 9.9 ha (270 acres) of land consisting of large open fields of arable crops, grazing pastures and a small area of mature woodland all set within an open landscape along the banks of the River Wear. Hedgerows and traditional timber fencing define field boundaries and individual scattered trees are important local features. The site is located within the Durham City Green Belt and an Area of High Landscape Value, whilst being visible in views across the River Wear from the Belmont Viaduct, the A1(M) northbound and from the ridge at West Rainton. The existing buildings consist of a range of steel frame sheds used for the storage of crops and machinery and for equestrian uses, together with a range of stone buildings from the early/mid 1800's.

Planning permission is sought to diversify further the activities at the farm, involving the introduction of a rural education and interpretation visitor centre which would make use of existing buildings within the farmstead with some extensions and alterations, together with an amphitheatre. Also proposed are an associated new access, parking for 78 cars (20 overflow spaces in addition) and 7 coaches, together with the relocation of the existing equestrian facilities into new stable blocks and a large new indoor and outdoor arena situated to the south of the existing complex of buildings adjacent to a mature tree/hedge field boundary. A number of other ancillary elements - the creation of paddocks, sheep track, cart track and toilet/kiosk facilities are included in the scheme.

The application is submitted with a number of surveys and supporting documents which include: Planning Statement; Business Plan; Design and Access Statement; Flood Risk Assessment; structural survey; Archaeological Assessment; Ecological Risk Assessment; and, Visual Impact Assessment. In addition to this, letters of support for the scheme are provided from: Children and Young People's Services; Durham County Council; the Farming and Countryside Education charity; The Countryside Foundation for Education; the Tourism Manager, City of Durham Council; the British Horse Society; the National Farmers Union; East Durham College; British Dressage; and, Business Link.

RELEVANT HISTORY

In November 2006, outline planning permission (06/00855/OUT) was granted for a farm visitor attraction, making re-use of existing buildings only and of a far lesser scale than the application that is the subject of this report.

POLICIES

NATIONAL POLICIES

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

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

Planning Policy Statement 4: Planning for Sustainable Economic Development (Consultation Draft) sets out how planning bodies should positively plan for sustainable economic growth and respond to challenges of the global economy, in their plan policies and decisions.

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

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

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

Planning Policy Guidance Note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

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

Planning Policy Guidance Note 17: Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses provision in urban areas, urban fringe, Green Belt, and the countryside and particular sports including football stadia, water sports and golf.

Planning Policy Guidance Note 21: Tourism, outlines the economic significance of tourism and its economic impact. It explains how to deal with the topic in development plans and

development control. It discusses the impact of tourism, the nature of tourist activity and likely future trends, while showing what the planning system can do to cope with it. The use of planning powers to both regulate and facilitate tourism development is also dealt with, as is the role of regional tourist boards. Locational factors in tourism development are discussed with emphasis on designated areas, historic towns and cities, seaside resorts and the countryside.

Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

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) 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, and at a County level, replaces the County Durham Structure Plan. 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. Of particular relevance are the following policies:

Policy 9 (Tyne and Wear City-Region) amongst other things sets out that the Green Belt should prevent the merging of Durham City and Chester-le-Street and preserve the setting and special character of Durham City.

Policy 11 (Rural Areas) sets out that planning proposals should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.

Policy 16 (Culture and Tourism) seeks, amongst other things to ensure that new tourism facilities benefit the local economy, people and environment without diminishing the attractiveness of the place visited.

Policy 27 (Out-of-Centre Leisure Developments) sets out that regional and sub-regional scale leisure developments need to be considered and justified through the sequential approach and locational strategy.

Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

LOCAL PLAN POLICIES

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

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

Policy E8 (Change of Use of Buildings in the Countryside) permits the change of use and conversion of buildings in the countryside where they are sound construction, architectural features are retained, and where no adverse effects on the character and appearance of the countryside or Green Belt.

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

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

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

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

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

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

Policy EMP17 (Farm Diversification) sets out the criteria against which proposals for farm diversification will be considered and these include the impact upon the character of the countryside, that the site can be served by roads capable of accommodating increased traffic and that there is no compromise to the openness to the Green Belt.

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

Policy R16 (Equestrian Facilities) states that new equestrian facilities will be permitted where the proposals are consistent with Policy E1, provide sufficient land and opportunities for exercising for horses are of an appropriate scale and where they are sited close to existing residential accommodation.

Policy V3 (Tourist Attractions) seeks to ensure that new attractions or extensions to existing attractions are developed sympathetically without compromising amenity, character and accessibility for all.

Policy V4 (Tourist Facilities and Attractions Outside Settlement Boundaries) advises that such facilities should not adversely affect the Green Belt, nature conservation, is adequately served by the existing road network and is without adverse impacts upon the amenity of nearby residents.

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

Policy 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 Q6 requires all new developments on the edge of settlements or exposed sites to include peripheral structural landscaping within the site in order to minimise any adverse visual impacts.

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

Policy U9 (Watercourses) states that development which may affect watercourses will only be permitted provided they do not result in flooding or increase flood risk elsewhere; or do not result in 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 Local Plan policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durhamcity.gov.uk/>

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The North East Assembly considers that the agricultural diversification proposed would be consistent with the objectives of RSS Policy 11, and that with regard to Policies 4, 6, 24 and 25, the proposed use would be inappropriate within a settlement. In terms of Policies 9 and 31, they consider that given the existing site uses, there would be no adverse impact in respect of the Green Belt or Landscape Value, respectively. The retail facilities are considered ancillary. However, in a number of areas the proposals are not in conformity, as the site is not easily accessible other than by private car; there are no measures for renewable energy; and, sustainable urban drainage (SUDs) is not incorporated within the scheme.

One North East advise that the scheme has been considered under the Area Tourism Management Plan (ATMaP) and is a Level 1 project, being regarded as having great potential, and will enhance the tourism product within the County. This does not, they point out, ensure a schemes success, however.

The Environment Agency originally objected to the scheme. However, having received additional information relating to the provision of a package treatment for the disposal of foul water, the objection has been withdrawn. They have also recommended the imposition of a condition relating to the disposal of water through an interceptor, and advised that the proposed parking area should be of a permeable surface to contribute to the provision of sustainable urban drainage (SUDs).

Natural England considers that the proposal is unlikely to have an adverse affect in respect of species especially protected in law, and recommend a condition be imposed relating to mitigation and working methods.

The County Highway Authority raises no objection to the scheme, subject to the applicants entering into an agreement with the Highway Authority to upgrade the single carriageway road that serves the site, and this would involve the formation of some 4 or 5 passing spaces. A condition is recommended to this effect. The additional access track serving the proposed new car park is required for health and safety reasons and would be adequate. No comments are made in respect of the layout or number of parking spaces proposed.

Durham County Council Archaeology Section has considered archaeological assessment in support of the application, which identifies that early prehistoric (Mesolithic c. 10,000BC) flint knapping sites are the type most likely to be found within the development site, and as such, having regard to PPG16, they consider that on the basis of the evidence in the assessment report it would be unjustified for the Council to refuse permission, but would be justified and reasonable to ensure that provision is made by way of a planning condition for some evaluation and where necessary recording of the results so that any evidence can be preserved by record rather than in situ, and they are therefore in support of the application subject to an appropriate condition.

PUBLIC RESPONSES

The occupiers of 1 East Moor Leazes Farm have no objection to the scheme in principle but are extremely concerned about access to the site and that it is unsuitable for coaches in addition to those vehicles which currently use the lane leading from the prison to the site.

The occupiers of 2 East Moor Leazes are concerned by the use of the single lane site access and the likely conflicts between vehicular movements, and also light pollution if additional floodlighting is required as part of the scheme.

The occupiers of 32 Finchale Avenue are concerned by the increased levels of traffic, particularly coaches, which would be generated by the scheme.

The occupiers of 224 Finchale Road object to the scheme on the grounds of increased traffic movements on Finchale Road/Avenue and that the road is a single lane at the site entrance. In particularly they are concerned that users if Durham City Angling Club would be endangered by the increased vehicular movements.

The City of Durham Trust recognises the scale and Green Belt location of the site but consider that many of the required buildings already exist. Their main concerns relate to the proposed amphitheatre, and whether it is really necessary, and are keen to ensure that it does not have a conspicuous appearance.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file, which can be viewed at www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

The main issues relevant to this application are wide-ranging and largely concern the visual impacts of the development in respect of the Green Belt, the site's designation as part of an Area of High Landscape Value, countered against the wider educational, tourism and employment benefits which the applicants have sought to identify in support of the proposals. Other relevant considerations include, highway safety and sustainability, the interests of flora and fauna, archaeology, drainage and residential amenity.

The application site lies in the Green Belt where new development, in accordance with PPG2 and Policy E1 of the Local Plan is defined as being inappropriate except in limited circumstances, which include the re-use or conversion of an existing building. The change of use and conversion of the existing range of agricultural and equestrian buildings to form a farm visitor attraction would not therefore amount inappropriate development, and these buildings have been identified as being capable of conversion in accordance with Policy E8 of the Local Plan. However, the erection of new equestrian facilities to the south-west of the existing farm group together with an amphitheatre with adjacent toilet and kiosk facilities to the south eastern corner of the site would amount to inappropriate development for which very special circumstances would need to be demonstrated in order to justify a departure from the Local Plan, and the application would therefore have to be referred to the Government Office for the North East under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 should approval be recommended.

By virtue of introducing an additional use and through the provision of new replacement equestrian facilities to an agricultural enterprise, this amounts to farm diversification. PPS7 advises at paragraph 30 that farm diversification proposals that result in inappropriate development in terms of PPG2 may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission where there are demonstrable wider benefits. Whilst the guidance does not define what such wider benefits might be, it would be reasonable to assume that this might include educational benefits, attracting more tourists and job creation.

In support of the application, the applicants have sought to identify that the equestrian facilities and farm visitor attraction would operate as one, and have drawn the Council's attention to a number of similar enterprises throughout England and Wales, but crucially that there would be significant benefits to the wider area. In terms of the farm visitor attraction specifically, support for the scheme has been forthcoming from a number of groups including Durham County Council's Children and Young People's Services, who are encouraging of the scheme, finding that provision of opportunities for learning outside of the classroom and other rural environment initiatives are not well developed in County Durham as a whole, and the scheme would assist in educating children in these particular areas in the County.

The City Council's Tourism Manager has advised that the provision of an outdoor attraction for children would attract more family visitors to the area and potentially lead to an increase in the number of overnight visitors. Currently, only 10% of the 3.7 million visitors to Durham annually, stay overnight. Furthermore, the proposals have been submitted to the County Durham Tourism Partnership (which includes One North East, the Regional Development Agency) for inclusion within Area Tourism Management Plan (ATMaP). The scheme has been identified as a Level 1 project and is regarded as having great potential, and will enhance the tourism product within the county. One North East stress that this does not ensure the success of the scheme, however, as a scheme's viability is not a material consideration and is a commercial decision, it is encouraging to officers that tourism experts consider that it is likely to be successful. In this regard, the proposals would be broadly consistent with RSS Policy 16, Local Plan Policies V3 and V4 and national advice in PPG21.

Moving more specifically to the equestrian facilities, they too would provide an educational learning facility and where East Durham and Houghall College has advised that the facility would enable students to broaden their knowledge of the equine industry and be able to develop a wider range of practical skills through placements and on the job training. Additionally, the British Horse Society supports the provision of improved facilities enabling access to the countryside, while British Dressage have identified a lack of competition facilities in the County, as dressage competitors have to travel to North Yorkshire and Cumbria. Collectively, the proposed developments at Union Hall Farm would provide significant employment for some 12 full time and 10 part-time employees. During peak periods and in the longer term these may rise further.

It is considered that the proposed farm visitor attraction and equestrian facilities as a whole would, in principle, provide significant wider benefits to the area in terms of education, tourism and employment, and that these benefits amount to the very special circumstances which would justify a departure from Policy E1 of the Local Plan and the national advice in PPG2, in accordance with the advice at paragraph 30 of PPS7. In addition, it is considered that the proposals demonstrate conformity with the Regional Spatial Strategy, and in particular with regard to Policy 9, the proposals would not lead to the settlement coalescence of Durham City and Chester-le-Street or cause harm to the setting and special character of Durham City.

In order to assist the assessment of the proposals in terms of their visual impact in longer views, a Visual Impact Assessment has been undertaken, considering views of the site from the A1(M) northbound and the Belmont Viaduct. The proposed amphitheatre and small adjacent toilet and kiosk facilities are sited some 300m from the main farmstead, and as such they are entirely screened in the identified viewpoints by the dense tree belt that lies between the River Wear and the site itself. Similarly, the proposed stable blocks and indoor arena would be screened by existing mature vegetation in longer views. In terms of siting, the proposed stable blocks are located in close proximity to existing buildings at a height of 3.3m and cut into the slope at the northern end, all of which reduces the impact upon openness and screening in longer views. The proposed indoor arena is undoubtedly a very large building, having a footprint of some 1500sq m and a height of 8m, however, it would be sited immediately adjacent to a dense tree belt of a similar height along its eastern elevation, and like the stable blocks, would be cut into the north-south slope, again mitigating its impact upon the landscape overall. The Council's Heritage and Design Section are concerned that the indoor arena would be detached from the farmstead; however, its visual impact in the longer and more important views in terms of landscape quality would be prejudiced by its location elsewhere within the farm, notwithstanding the building's acceptability in principle. Therefore, whilst the siting of the proposed new buildings is considered acceptable appropriate conditions would be necessary to strictly control the materials and their colour, together with details of the structural landscaping proposed around these buildings. This would also address the concerns of the City of Durham Trust. The proposals therefore accord with Policies E10, EMP17, R10 and R16 of the Local Plan.

The farm attraction visitor attraction would involve the change of use and conversion of parts of existing buildings to form a refreshment area and a retail shop. However, these elements are considered to be ancillary to the proposals and unlikely to have an adverse impact on the vitality and viability of Durham City Centre or other retail centres, and as such the proposals would be consistent with RSS Policy 25 and national advice contained in PPS6.

Turning to highway issues, the scheme would be served off Finchale Avenue, which as it passes HMP Frankland becomes a single carriageway, leading to the existing farm access which would serve the existing residential accommodation and proposed equestrian facilities, while the proposed farm attraction would be served off a new access running parallel but separated by a hedgerow from the existing access. Access to the site has been the main concern of objectors to the scheme. They are concerned in particular, by the level of

additional traffic generated by the scheme, especially by coaches. Finchale Road and Finchale Avenue currently serve large areas of residential development, two prisons and a caravan park amongst other uses, and while the proposed use would generate additional traffic in terms of staff and visitor movements, it is considered that the road network has the capacity for this. Furthermore, the and that the time variations in visitors coming and going would mean that traffic movements are spread out throughout the day unlike an office use or school where movements tend to be more concentrated. However, residents are rightly concerned that where Finchale Avenue reduces to a single carriageway that it would be unsuitable for the movements of coaches, and for this reason, the County Highway Authority will require that the applicants enter into an agreement to improve the lane with the introduction of up to five passing spaces. A suitable Grampian condition would be appropriate to secure these works having regard to Circular 11/95 and the strong likelihood of the County Highway Authority consenting to such works.

Within the site, the new access track would lead to a car park for some 78 cars, with an overflow area of 20 spaces and a 7-space coach park. The car park has been significantly reduced in numbers of spaces and overall scale since submission to ensure its impact on the Green Belt is minimised, and where further structural landscaping will be provided to mitigate the impact. The parking will be screened in longer views, and although it will be visible from East Moor Leazes, it will not be in such proximity that it would significantly adversely affect the amenity of residents. The proposed landscaping would assist in reducing visual impact in any event.

The North East Assembly (NEA) considers that in sustainability terms, clearly a proposal of this nature could not be accommodated within Durham City's settlement limits easily, however, the site is considered to not be sustainable in terms of its accessibility by means other than by private car, and would be contrary to Policy 27. However, the forthcoming PPS4 advises at paragraph 32 that in rural areas accessibility is a key consideration, and that local planning authorities should recognise that a site may be an acceptable location for development even though it may not be readily accessible by public transport. The scheme is likely to attract visitors from a wide catchment. A bus service does operate between Durham City Centre and HMP Frankland (14 minute journey) with around three services per hour. The site would be some 400m from the bus stop, which would be around a five-minute walk, and furthermore, the applicants are actively considering the use of a tractor and trailer collection system as would be utilised elsewhere within the attraction as a means of transporting visitors to the site from the bus stop. In terms of other methods of accessing the facilities, an official cycle route passes near the site, and the residential areas of Newton Hall and Brasside are a very short distance from the site. In the future the Belmont Viaduct is likely to be re-opened and would provide a further pedestrian and cycle link to the area. Therefore, it is considered that the NEA's concerns can, to an extent, be both addressed and mitigated, as can those of residents in terms of vehicular movements, and as such, the proposal is considered to conform to the aims of PPG13 and Policy T1 of the Local Plan.

Continuing the sustainability theme, the NEA considers that the scheme is not in conformity with regard to renewable energy. Policy 38 of the RSS requires that in the absence of locally defined targets, at least 10% of the schemes energy supply should come from embedded renewable energy generation. The applicants have employed a renewable energy consultant who has undertaken an appraisal and feasibility study and subsequent report for the farm, which has identified that a Biomass Energy System would be the most appropriate embedded energy generation method, using both wood chip and straw as fuel and which would provide both space heating and hot water to both the existing and proposed buildings. This demonstrates, on the applicant's part, a commitment to incorporating embedded renewable energy within the scheme, in order to satisfy the requirements of RSS Policy 38 and as such it is considered, that subject to an appropriate conditions the scheme would be more than capable of achieving conformity with the RSS policy.

The final outstanding issue of non-conformity relates to Policy 34 and Sustainable Urban Drainage (SUDs) and in particular that the scheme does not seek its incorporation. However, the Environment Agency has advised that the use of a permeable surface for the parking area would contribute to a sustainable drainage method, and a condition would be appropriate to secure this. In terms of the disposal of foul water discharges, the Environment Agency is satisfied that the proposed package treatment plant is appropriate to the scheme and location. In addition, they consider that the scheme is neither at risk of flooding or poses a flood risk elsewhere. Therefore in terms of flooding and the disposal of foul and surface water, the scheme would, subject to appropriate conditions, satisfy fully RSS Policy 34, Local Plan Policy U8a and national advice contained in PPS25.

Turning now to issues of flora and fauna, Natural England are satisfied that subject to an appropriate condition, species especially protected in law would be unlikely to be adversely affected by the proposals, in accordance with Policy E16 and national advice contained in PPS9. There are a number of mature trees and hedgerows around the site. An area of hedgerow will be removed to create pedestrian access between the arena and the stable blocks and to provide vehicular access to the proposed parking area, however, the additional proposed structural landscaping will mitigate for these minor losses and furthermore, a condition seeking the retention of trees and hedgerows other than those identified for removal and the protection of such features during the construction period would be appropriate, and the scheme is therefore in accordance with Policies E14 and E15 of the Local Plan.

In terms of archaeology, the applicant has provided an archaeological assessment in support of the application, which identifies that Union Hall Farm is a 19th century development built on Brasside Moor when the previously open moorland was enclosed. As a result of this, the land was much more intensively managed and utilised, and this will have had a significant negative impact to any potential below ground archaeological remains, especially those dating to the prehistoric period. PPG16, at paragraph 27, advocates a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. However, Durham County Council's Archaeology Section has advised that on the basis of the evidence in the assessment report it would be unjustified for the Council to refuse permission on the basis of archaeological matters, and that it would be justified and reasonable to ensure that provision is made by condition for some evaluation and where necessary recording of the results so that any evidence can be preserved by record rather than in situ, and in this regard the scheme would be in accordance with Policy E24 of the Local Plan.

Finally, with regard to the impacts of the proposals in terms of its day-to-day operation, there are outstanding issues in relation to floodlighting and hours of use. Dealing firstly with floodlighting, there are no details provided, however, it is almost certain that it will be required. Whilst the site is in the countryside, where you would expect darkness outside of daylight hours, such is the extent of light pollution from the uncontrolled floodlighting at nearby HMP Frankland, that some additional floodlighting could be erected at the site, subject to conditions to control method, type, direction and intensity, without it causing adverse effects upon the character of the landscape or the area as a whole. The need for floodlighting is linked to the hours of operation of the various uses. The amphitheatre is a relatively lightweight structure where light spill would be evident in what is certainly an otherwise dark area and where floodlighting would be inappropriate at any time, and as such, the use of the amphitheatre would be limited to daylight hours, while the remainder of the facilities could reasonably be used until late evening, and a condition to this effect is proposed.

CONCLUSION

In conclusion, it is considered that the proposed farm visitor attraction and equestrian facility are in part inappropriate development in the Green Belt, however, the demonstrable wider benefits in terms of employment, tourism and education are considered to amount to the very special circumstances necessary to justify a departure from the Local Plan. Additionally, issues of visual impact, residential amenity, highway safety, sustainability, archaeology and drainage are met, subject to appropriate planning conditions, having regard to the tests set out in Circular 11/95. Accordingly, Officers fully support the scheme.

RECOMMENDATION

That in accordance with The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, Members be **MINDED TO APPROVE** the application 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. The farm visitor attraction and equestrian facility hereby approved shall not be open to the public between the hours of 22:00 and 9:00 on any day of the week, with the exception of the amphitheatre which shall not be used between the hours of 17:00 and 9:00 on any day and shall not be floodlit at any time.
4. No floodlights shall be erected on the site until an appointed representative of the Local Planning Authority has agreed in writing, and on site, full details of the type, luminosity, position and angle of the lamps and associated baffles. The lamps and baffles shall be maintained in accordance with the approved details at all times and shall not be operated outside of the hours referred to in condition 3 of this permission.
5. Before the development hereby approved is brought into use, the off site improvement of Finchale Avenue shall be carried out and retained in complete accordance with details to be submitted to and agreed in writing by the County Highway Authority and Local Planning Authority.
6. The development hereby approved shall not be brought into use until the additional site access and parking provision have been constructed in accordance with details to 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 the approved plans.
7. No development shall take place until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
8. None of the new or converted buildings shall be brought into use until works for the disposal of foul sewage, in accordance with the details submitted 21 October 2008, have been provided on the site to serve the development hereby permitted.

9. No ground works shall take place within the areas described below until an archaeological mitigation strategy (evaluation and mitigation) has been submitted to, and approved in writing, by the local planning authority. A copy of any 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 scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority. The areas requiring archaeological works as shown on submitted Plan 15710-21 B are: all car parks; new build arenas, stables, amphitheatre, toilet block with associated service runs, and pond/water areas.
10. 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.
11. Before development commences and notwithstanding the contents of the 'Appraisal and Initial Feasibility Report for Union Hall Farm, 20th May 2008, NEWheat', full details of an embedded Biomass Energy System which will provide at least 10% of the energy required by the scheme, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed details prior to the use commencing and thereafter retained.
12. 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.
13. Notwithstanding the information shown on the submitted plans all new vehicle hardstanding areas shall be constructed from a permeable surface, the details of which 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.
14. Notwithstanding the information shown on Drawing No. 002 (Landscaping Proposals) and before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of structural 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.
15. 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.

16. 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.
17. 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 submitted to an approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.
18. No development shall take place unless in accordance with the mitigation detailed within section E of the protected species report '*Union Hall Farm buildings, Bat and Barn Owl Report, summer 2008, Ruth Hadden*', including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Business Plan

Design and Access Statement

Flood Risk Assessment

Structural Survey

Archaeological Assessment

Ecological Risk Assessment

Visual Impact Assessment

Planning Policy Statements: PPS1, PPS4, PPS6, PPS7, PPS9, PPS22 and PPS25

Planning Policy Guidance notes: PPG2, PPG13, PPG16, PPG17 and PPG21

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

City of Durham Local Plan 2004

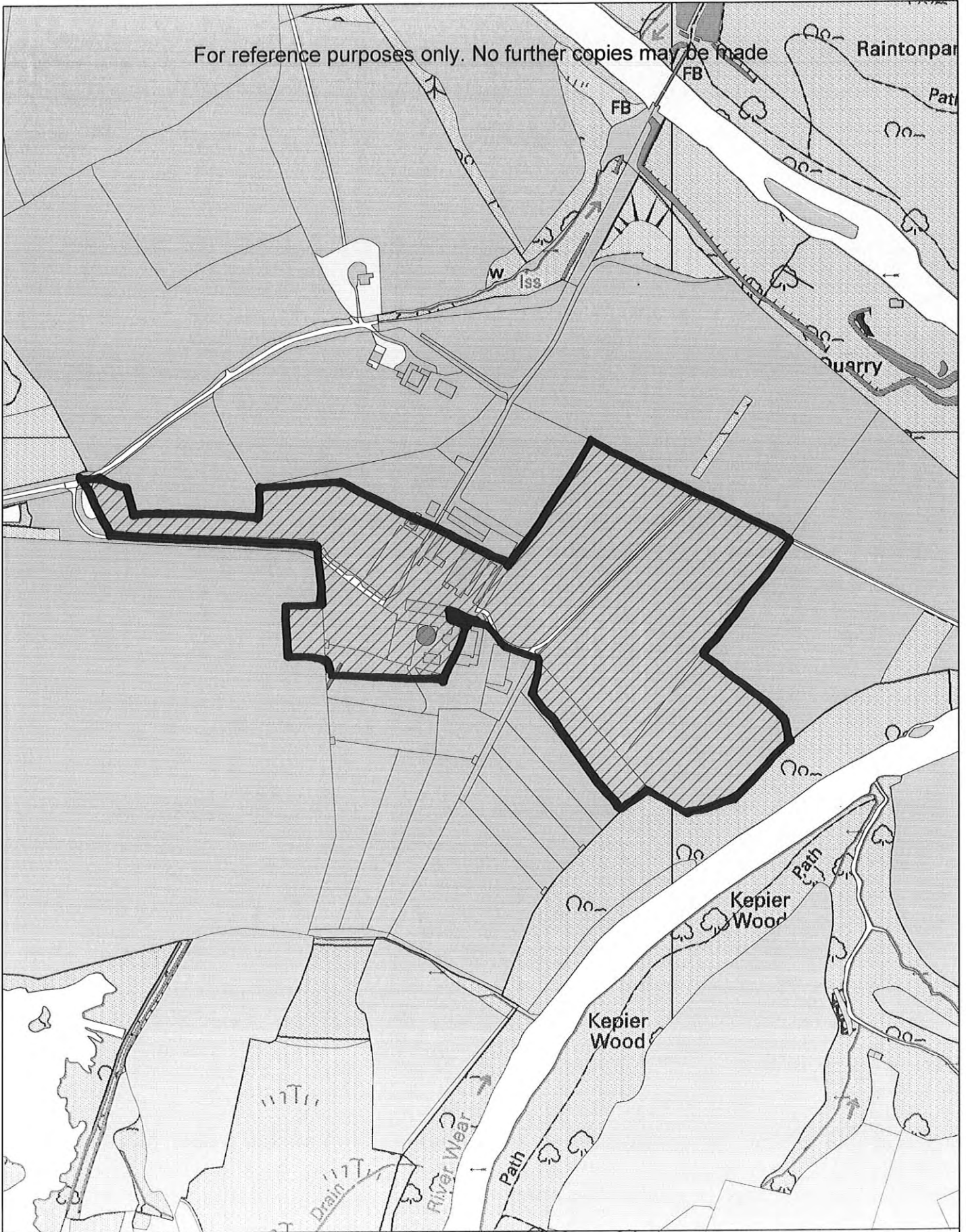
Circular 11/95: Use of conditions in planning permission

Internal responses from Heritage and Design and Development Plans Sections

Responses from the North East Assembly, One North East, Environment Agency, Natural England, County Council Archaeology Section, County Highway Authority

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00728/FPA
Union Hall Farm, Brasside, Durham

Comments

Date

27 November 2008

Scale

1:5000

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ITEM 3

08/00840/FPA	Pod A, Arnison Centre, Pity Me, Durham, DH1 5GB
Kentucky Fried Chicken (GB) Ltd	Use of unit within use classes A3 and A5 and formation of refuse and plant compound to rear and replacement door to front elevation

SITE AND APPLICATION DESCRIPTION

The application relates to a recently constructed commercial unit of which this application occupies one half of the building. The site lies within the established retail park at the Arnison/Mercia Centre and lies to the north east of the recently refurbished retail units that are occupied by Asda George, Comet and Laura Ashley. An established residential area lies to the east of the site which is separated from the development site by the road Wheatlands Way. Access into the established retail park is not proposed to be altered and the car parking is proposed to be retained as existing.

The planning application presented here is for Pod A to be operated within two use classes: an A3 use for a restaurant and café use with the sale of food for consumption on the premises: and an A5 use for hot food takeaways. The building is completed and has a floor area of 186m² has not yet been occupied. External alterations are relatively small and include the formation of the plant and refuse compound and an external chimney.

There is a concurrent application submitted for the other half of the building, Pod A for a shop, café and hot food takeaway by Peters Bakery.

RELEVANT HISTORY

Planning permission was granted in 2005 for the configuration and improved integration of the former Arnison and Mercia retail parks. The scheme included the demolition of some units and the erection of larger retail units together with smaller pod units which includes the application site. The pods were permitted for an A1 use class which is a shop use.

POLICIES***NATIONAL POLICIES***

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

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

Planning Policy 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.

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 S1A (City Shopping) seeks to protect and promote the vitality and viability of Durham City Centre.

Policy S9A identifies the Arnison/Mercia centre as a district centre meeting the needs of residents on the western side of Durham City. The policy encourages development providing it would not undermine the role of the city centre or other local centres and is acceptable in terms of the impact on the roads.

Policy S10 of the Local Plan relates to the provision of food and drink. It supports the provision of food and drink use within the settlement boundaries providing there are no adverse affects on the amenities of nearby occupants, parking is adequate and the scale and character of the development is in keeping with its surroundings.

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

Policies T1 and T10 of the Local Plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, and minimising conflict between pedestrians and vehicles.

The above represents a summary of those policies considered most relevant in the Local Plan. The full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objections to the application.

The Environmental Health Officer has raised no objection.

PUBLIC RESPONSES

Ten letters of objection have been received from local residents and 1 letter of concern from a local Ward member. The main concerns that have been raised are:

- Litter There is already a lot of litter from McDonalds and this will make a bad situation worse. Rats have started to be seen in the area.
- Anti social behaviour – Kentucky Fried Chicken will attract young people that then congregate in the area.
- The roads cannot cope with the existing volume of traffic and at certain times like the weekend there is inadequate car parking.
- The application site is within 50 metres of the nearest residential dwelling and the noise, smell and litter will detrimentally affect their property.
- The opening hours of 6am – 11pm Sunday – Thursday and 6 - midnight on Friday and Saturday is too long.
- As a responsible Council we should consider that the proposed use is not a healthy eating proposal.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

The site is located within the existing established district retail centre of Arnison/Mercia Centre. The proposal is for the recently constructed application site to be occupied as a café/restaurant and a hot food takeaway. The main planning issues is whether the principle of the development is acceptable in that location, whether the access and parking are acceptable and whether there are any other amenity issues including litter and noise and disturbance.

With regard to the principle of development the national government guidance PPS6 argues that Local Planning Authorities should promote and enhance existing centres by focusing development in such centres and encouraging a wide range of services. The City of Durham Local Plan also seeks to promote and protect the vitality and viability of all centres in the retail hierarchy in Policy S1A. Policy S9A seeks to consolidate the role of the Arnison / Mercia retail centre and encourages commercial development providing it does not undermine the role of the City Centre and other local centres.

The applicants' Design and Access statement explains that the proposed development would not undermine the City Centre as the application is relatively small scale and the majority of the trade would result from trade linked to the other retail outlets in the Arnison Centre. The applicants have also supported their case by explaining that the development should not significantly affect other hot food takeaways in the area since they offer different services in

terms of the type of food sold, price range, opening hours, and means of delivery. However, Planning Officers do note that the proposed late opening hours would lead to some trips when most shops in the retail park are closed.

The principle of a café and hot food takeaway in Pod A in the Mercia/Arnison centre is therefore considered acceptable in principle in terms of national policy and local plan policy.

PPS6 on access and parking promotes accessibility by a number of different means of transport, and consideration of the impact on car use, traffic and congestion. The Local Plan Policy T1 states that the Council will not grant planning permission for development that would generate traffic detrimental to highway safety or amenity. It is noted that whilst the layout and format of the Arnison Centre is more suited to car travellers there are frequent bus services between the city centre and the Arnison Centre. Policy Q2 states that new development should incorporate satisfactory means of access and manoeuvring for vehicles, car and cycle parking, including spaces for people with disabilities close to the entrance. This requirement appears to have been met, as there is ample parking adjacent to the building including spaces for disabled people. The County Highway Officer has carefully considered the highway implications of the application and has raised no objection to the application.

With regard to the impact on the residential amenity of the neighbouring properties Policy S10 on the provision of food and drink states that within settlement boundaries development will be permitted providing there are no adverse effects on residential amenity. Residential properties lie to the east of the site separated by a road and landscaped area. The opening hours are proposed to be long running from 6.00 – 23.00 Sunday to Thursday and until midnight on Friday and Saturday. Local residents have raised concerns about long hours with regard to noise and disturbance, the congregation of young people and litter.

With regard to noise and disturbance the residential properties are located some 50 metres from the application site and the unit faces inwards towards the retail park such that much of the activity associated with visiting the site would not be visible from outside or from the residential area. Adequate parking is available. The separation distance is considered reasonable with regard to the noise from the comings and goings from the site. With regard to litter the agent has provided details of the applicants litter policy which includes regular litter picks within the application site. Although concern is expressed by the residents and the Councillor about the impact of the litter on the wider area this is outside the planning application site. The applicant has also stated that he will install two litter bins on the application site. With regard to the smells from the application site details of the flue are submitted and the Environmental Health Officer has raised no objection to the application. Careful consideration of the noise and disturbance and the litter issues have been given by the Environmental Health Officer and he has raised no objection to the application.

The applicants agent is aware of the concerns raised by residents and has stressed that his company does act responsibly to minimise litter and noise and disturbance to the local residents. The agent has provided details of the litter picking policy that Kentucky Fried Chicken adhere to and the suggested condition no. 5 reflects this requirement.

The proposed external alterations are to the introduction of a door on the front elevation in bronze which is considered satisfactory. On the rear elevation a chimney is proposed to be constructed in red which is considered a discordant colour against the existing building. This colour is proposed to be conditioned out. Details of the boundary treatment of the refuse and plant yard and the details of the extraction plant and equipment are also conditioned.

CONCLUSION

In conclusion, Officers recommend approval for Pod A to be used as a café including a hot food takeaway. The application site is located in an existing retail park that is allocated as a District Centre on the Local Plan. The principle of development is considered reasonable and no detrimental highways issues are raised. The issues raised by local residents about the litter must relate to the planning application site and the applicants have provided details of their working arrangements to minimise the litter in the application site and locality. The recommendation is therefore for approval.

RECOMMENDATION

That the planning application be **APPROVED** with 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 details shown on the submitted plan and unless otherwise agreed in writing with the Local Planning Authority this permission shall not relate to the chimney / flue being painted red and the details of the enclosure on the plant and refuse storage area on the rear elevation of the building. Full details of the colour of the chimney/flue and the materials, design and finish of the enclosure shall be submitted to the Local Planning Authority and approved in writing and implemented in accordance with the approved details before the occupation of the building.
3. Unless otherwise agreed in writing with the Local Planning Authority the hours of operation shall not exceed that stated on the planning application form.
4. Before the building is occupied a minimum of two external litter bins shall be erected on the application site and retained as such thereafter.
5. In accordance with the KFC litter collection policy and procedures document received by the Local Planning Authority on 12th November 2008 the operator of the restaurant shall provide for the removal of litter at least 4 times every day the premises are open for business, both within the site and in the surrounding area, the detail boundary of which shall be submitted to and agreed in writing with the Local Planning Authority before the use commences.
6. 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.
7. The ventilation and extraction/filtration equipment approved relative to condition 6 shall be used at all times when hot food is being prepared and served on the premises.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004

Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15,
PPG16
Responses from County Highways, Northumbrian Water and English Heritage
Public Consultation Responses

For reference purposes only. No further copies may be made



Mercia Retail Park



City of
Durham

Planning Services

Application No. 4/08/00840/FPA

Pod A, Arnison Centre, Pity Me, Durham

Comments

Date

27 November 2008

Scale

1:625

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ITEM 4

08/00857/FPA	Pod B, Arnison Centre, Pity Me, Durham, DH1 5GB
Peters Cathedral Bakers Ltd	Use of premises within classes A1, A3 and A5, insertion of door to side elevation, formation of external seating area and erection of refuse and plant compound to rear of existing building

SITE AND APPLICATION DESCRIPTION

The application relates to a recently constructed commercial unit of which this application occupies one half of the building. The site lies within the established retail park at the Arnison/Mercia Centre and lies to the north east of the recently refurbished retail units that are occupied by Asda George, Comet and Laura Ashley. An established residential area lies to the east of the site which is separated from the development site by the road Wheatlands Way. Access into the established retail park is not proposed to be altered and the car parking is proposed to be retained as existing.

The planning application presented here is for Pod B to be operated within three use classes: an A1 retail shop, an A3 use for a restaurant and café use with the sale of food for consumption on the premises: and an A5 use for hot food takeaways. The building is completed and has a floor area of 186m² that has not yet been occupied. External alterations are relatively small and include the formation of a seating area and a plant and refuse compound.

There is a concurrent application submitted for the other half of the building, Pod A for a café and hot food takeaway by Kentucky Fried Chicken.

RELEVANT HISTORY

Planning permission was granted in 2005 for the configuration and improved integration of the former Arnison and Mercia retail parks. The scheme included the demolition of some units and the erection of larger retail units together with smaller pod units which includes the application site. The pods were permitted for an A1 use class which is a shop use.

POLICIES***NATIONAL POLICIES***

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

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

Planning Policy 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.

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 S1A (City Shopping) seeks to protect and promote the vitality and viability of Durham City Centre

Policy S9A identifies the Arnison/Mercia centre as a district centre meeting the needs of residents on the western side of Durham City. The policy encourages development providing it would not undermine the role of the city centre or other local centres and is acceptable in terms of the impact on the roads.

Policy S10 of the Local Plan relates to the provision of food and drink. It supports the provision of food and drink use within the settlement boundaries providing there are no adverse effects on the amenities of nearby occupants, parking is adequate and the scale and character of the development is in keeping with its surroundings.

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

Policies T1 and T10 of the Local Plan relate to general and parking related highways policies, starting from the point that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property. Vehicular parking for new development should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of developments.

Policies Q1 and Q2 sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, and minimising conflict between pedestrians and vehicles.

The above represents a summary of those policies considered most relevant in the Local Plan. The full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objections to the application.

The Environmental Health Officer has raised no objection.

PUBLIC RESPONSES

Six letters of objection have been received from local residents and 1 letter of concern from a local ward member. The main concerns that have been raised are:

- Litter - There is already a lot of litter from McDonalds and this will make a bad situation worse. Rats have started to be seen in the area.
- Anti social behaviour – The outlets attract young people that congregate in the area.
- The roads cannot cope with the existing volume of traffic and at certain times like the weekend there is inadequate car parking.
- The application site is within 50 metres of the nearest residential dwelling and the noise, smell and litter will detrimentally affect their property.
- The seating area will encourage the congregation of youth and graffiti.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

The site is located within the existing established district retail centre of Arnison/Mercia Centre. The proposal is for the recently constructed application site to be occupied as a shop/café/restaurant and a hot food takeaway. The main planning issues are whether the principle of the development is acceptable in that location, whether the access and parking are acceptable and whether there are any other amenity issues including litter and noise and disturbance.

With regard to the principle of development the national government guidance PPS6 argues that Local Planning Authorities should promote and enhance existing centres by focusing development in such centres and encouraging a wide range of services. The City of Durham Local Plan also seeks to promote and protect the vitality and viability of all centres in the retail hierarchy in Policy S1A. Policy S9A seeks to consolidate the role of the Arnison/Mercia retail centre and encourages commercial development providing it does not undermine the role of the City Centre and other local centres.

The applicants' design and access statement explains that the proposed development would not undermine the City Centre as the application is relatively small scale and the majority of the trade would result from trade linked to the other retail outlets in the Arnison Centre. The applicants have also supported their case by explaining that the development should not significantly affect other hot food takeaways in the area since they offer different services in terms of the type of goods sold, price range, opening hours, and means of delivery.

The principle of a shop, café and hot food takeaway in Pod B in the Mercia/Arnison centre is therefore considered acceptable in principle in terms of national policy and local plan policy.

PPS6 on access and parking promotes accessibility by a number of different means of transport, and consideration of the impact on car use, traffic and congestion. The Local Plan Policy T1 states that the Council will not grant planning permission for development that would generate traffic detrimental to highway safety or amenity. It is noted that whilst the layout and format of the Arnison Centre is more suited to car travellers there are frequent bus services between the City Centre and the Arnison Centre. Policy Q2 states that new development should incorporate satisfactory means of access and manoeuvring for vehicles, car and cycle parking, including spaces for people with disabilities close to the entrance. This requirement appears to have been met, as there is ample parking adjacent to the building including spaces for disabled people. The County Highway Officer has carefully considered the highway implications of the application and has raised no objection to the application.

With regard to the impact on the residential amenity of the neighbouring properties Policy S10 on the provision of food and drink states that within settlement boundaries development will be permitted providing there are no adverse effects on residential amenity. Residential properties lie to the east of the site separated by a road and landscaped area. The opening hours are proposed to be from 7.00 – 19.00 Monday – Friday, Saturday 8.00 – 18.00 and Sunday and Bank Holidays 9.00 – 17.00. Local residents have raised concerns about noise and disturbance, the congregation of young people and litter.

With regard to noise and disturbance the nearest residential properties are located some 50 metres from the application site and the unit itself has its main public access facing inwards towards the retail park. Adequate parking is available. The separation distance is considered reasonable with regard to the noise from the comings and goings from the site particularly as the opening hours are proposed to end in the early evening. With regard to litter it is reasonable to condition details of litter bins within the application. Although concern is expressed by the residents and Councillor about the impact of the litter on the wider area this is outside the planning application site and therefore not a matter that could legitimately be addressed through this application.

With regard to the smells from the application site the Environmental Health Officer has raised no objection to the application. Careful consideration of the noise and disturbance and the litter issues have been given by the Environmental Health Officer and he has raised no objection to the application.

The applicants agent is aware of the concerns raised by residents and has stressed that the applicant does act responsibly to minimise litter and noise and disturbance to the local residents.

The proposed external alterations involve the introduction of a door on the side elevation and the formation of a seating area. Details of the boundary treatment of the seating area are conditioned. Details of the boundary treatment of the refuse and plant yard and the details of the extraction plant and equipment are also conditioned.

CONCLUSION

In conclusion, Officers recommend approval for Pod B to be used as a shop, café and hot food takeaway. The application site is located in an existing retail park that is allocated as a District Centre on the Local Plan. The principle of development is considered reasonable and no detrimental highway issues are raised. The opening hours are considered to be reasonable and the premises are a reasonable distance from nearby residential dwellings to minimise noise and disturbance. The recommendation is therefore for approval.

RECOMMENDATION

That the planning application be **APPROVED** with 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 details shown on the submitted plan and unless otherwise agreed in writing with the Local Planning Authority this permission shall not relate to the boundary details of the external seating area and the enclosure on the plant and refuse storage area. Full details of the materials, design and finish of the enclosures shall be submitted to the Local Planning Authority and approved in writing and implemented in accordance with the approved details before the occupation of the building.
3. Unless otherwise agreed in writing with the Local Planning Authority the hours of operation shall not exceed that stated on the planning application form.
4. Before the building is occupied a minimum of two external litter bins shall be erected on the application site and retained as such thereafter.
5. 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.
6. The ventilation and extraction/filtration equipment approved relative to condition 5 shall be used at all times when hot food is being prepared and served on the premises.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

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

City of Durham Local Plan 2004


Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16

Responses from County Highways, Northumbrian Water and English Heritage

Public Consultation Responses

For reference purposes only. No further copies may be made



 City of Durham	Planning Services		Application No. 4/08/00857/FPA	
			Pod B, Arnison Centre, Pity Me, Durham	
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	Date	27 November 2008	Scale	1:1000

ITEM 5

08/00886/FPA	Land Adjacent Gilesgate Roundabout, Gilesgate, Durham
Vodafone UK Ltd	Erection of 14.5m high telecommunications monopole with associated equipment cabin and formation of parking space for maintenance

SITE AND APPLICATION DESCRIPTION

The application relates to a rectangular parcel of land located off Gilesgate roundabout. The land is currently a section of grass highway verge located between St Hild's Lane and Gilesgate Bank. The section of grass verge within which the site is located also contains a public footpath, several trees and lampposts. The application site is located within the Durham (City Centre) Conservation Area.

The application seeks to erect a telecommunications monopole and antenna with a total height of 14.43m finished in olive green. Beside the monopole a streetside equipment housing cabinet and electrical pillar are proposed together with 1 no. parking space for a maintenance vehicle.

The applicant seeks approval of the monopole and ground based equipment in order to provide further "Third Generation" or "3G" digital technology coverage.

RELEVANT HISTORY

No planning history of direct relevance to this planning application or the application site exists.

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance 8: Telecommunications gives guidance on planning for telecommunications development, including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, polls and overhead wires.

The PPG sets out planning policies on telecommunications, including: environmental considerations, such as mast and site sharing and design issues, health considerations and public concern; and pre-application discussions and public consultation.

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.

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 U1 (Telecommunications – General) states that the Council will grant planning permission where the benefits arising from the development would outweigh any environmental damage. The factors that shall be taken into account will be the operational needs of the proposal, the need for the development, suitability of alternative sites, acceptability of any associated developments, the visual impacts of the proposal upon the surrounding area and the adequacy of arrangements for the restoration of the site where the equipment has been made redundant.

Policy U2 (Telecommunications – Impact on the World Heritage Site) states that the Council will not permit telecommunication equipment which would have a detrimental visual impact upon the setting of the World Heritage Site.

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

Policy E22 (Conservation Areas) seeks to preserve or enhance the character and 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 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 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 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.

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority has raised no objections to the proposal.

PUBLIC RESPONSES

The proposal has generated a high level of public interest with many letters received raising objections. Amongst the points raised is the potential for the monopole to limit visibility at Gilesgate roundabout therefore causing harm to highway safety. Many representations received consider that the installation shall not be in keeping with the character of the area, causing harm to the Conservation Area, the World Heritage Site, the entrance to Hild and Bede College and damaging the first impressions of Durham for many visitors entering the City via the A690.

Many objectors have stated that such telecommunications installations pose a health risk with particular concern on this occasion to the proximity of the site to a children's nursery.

Some representations consider that an inadequate consultation exercise has been carried out. Further objectors consider that the impacts of the proposal should be taken into account with reference to the redevelopment work proposed in the area by 20/20 Vision. Some objectors consider that the site is unsuitable with coverage being limited due to the location at the foot of Gilesgate Bank. Concern has also been raised with regards to the impacts of the proposal upon nearby trees.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at www.durhamcity.gov.uk

PLANNING CONSIDERATIONS

In accordance with Policies U1, U2, E3, E22, E6, E14 and H13 the main planning considerations relate to the appropriateness of the siting and appearance of the proposal, impact upon the character, appearance and setting of the Conservation Area and World Heritage Site, the operational needs of the operator, impacts upon nearby trees and highway safety.

In line with Government advice contained within PPG8 the Council is committed to facilitating the growth of new and existing telecommunications systems. However, PPG8 states that whilst local planning authorities are encouraged to respond positively to telecommunications development proposals, they should take account of the advice on the protection of urban and rural areas contained within other relevant planning policies.

The application site is located within a sensitive location. The site lies within a designated Conservation Area, is situated in a prominent location by virtue of its proximity to several busy thoroughfares and is located atop of a plateau with views available to the Cathedral and Castle World Heritage Site.

It is acknowledged that the operator's target area is one which poses difficulties in locating a site for the proposal due to the proximity to the City Centre with World Heritage Site, Conservation Area, the many nearby residential properties and the topography of the area. It is also acknowledged that the submitted application includes details of other sites which have been considered and discounted.

However, officers do raise objection to the proposal as it is considered that the benefits arising from the development do not outweigh the level of environmental damage. The proposal shall appear as a prominent and incongruous feature within a highly visible part of

the historic Durham (City Centre) Conservation Area. Policies E6 and E22 require the special character, appearance and setting of the Durham (City Centre) Conservation Area to be preserved or enhanced. By virtue of the proposed monopole's siting, scale and appearance it is considered that the proposal represents an unsympathetic form of development subsequently harming the special character, appearance and setting of this part of the Durham (City Centre) Conservation Area.

At the centre of Durham's historic mediaeval core is the Cathedral and Castle World Heritage Site. Policy E3 of the Local Plan seeks to restrict development to safeguard local and long distance views to the Cathedral and Castle. Policy U2 relates specifically to telecommunication equipment which impacts upon the World Heritage Site and development which would have a detrimental visual impact upon the setting of the World Heritage Site will not be permitted. The application site is located on a plateau and from several vantage points at the foot of Gilesgate Bank and where the A690 meets Gilesgate roundabout from the north, clear views of the World Heritage Site can be seen. Once all proposed works are complete not only would the monopole be in the foreground of views to the Cathedral and Castle but from several angles directly block views. The long distance views of the World Heritage Site from the Gilesgate roundabout area are considered worthy of safeguard, particularly when considering that Gilesgate roundabout is a busy thoroughfare to and from Durham City and it is from this roundabout that many visitors gain their first views of the Cathedral and Castle. The encroachment of the unsympathetically sited and scaled telecommunications development is considered to detract from these long distance views.

The proposed monopole is located within a prominent roadside location and although trees and lampposts are located within the immediate vicinity, the total height of the proposal at over 14m effectively dwarfs the existing landscaping and street furniture. The result being that the existing trees, lampposts and road signs aid little in the monopole seeking to successfully blend into the area. The application site is located within close proximity to mature trees on the grass verge. These trees benefit from an element of protection, being within a Conservation Area and together with several other trees within the area help to soften the impact of the Gilesgate roundabout. Policy E14 requires developments to retain important groups of trees and any proposal which may potentially impact upon trees in or outside of the application site should be accompanied by an adequate tree report to demonstrate the impacts of the works upon those trees. No such report has been submitted and taking into consideration the proximity of mature trees to the proposed development officers consider that insufficient information is available to determine the impacts of the development upon nearby trees.

Much public opposition to the proposal relates to concerns over health particularly due to the proximity to a children's nursery. However, PPG8 states that it is the Government's firm view that the planning system is not the place for determining health safeguards and that it remains the responsibility of central Government to determine what measures are necessary to protect public health. The application includes a declaration of conformity with the ICNIRP public exposure guidelines and it is therefore considered that it not necessary to further consider the health issue.

Some objectors consider that the location of the proposed monopole shall create a highway safety concern. However, the County Highway Authority has been consulted on the application and no objections have been raised and officers agree that the proposed monopole would not infringe upon driver visibility at the roundabout.

Some letters of representation consider that an inadequate consultation exercise has occurred prior to the submission of the application. However, the applicant has submitted details to the Local Planning Authority within a supporting statement of consultation exercises and an assessment of alternative sites. Irrespective of this, the Local Planning Authority must now consider the formal planning application against relevant material planning considerations.

Some objectors have made reference to potential redevelopment occurring within the vicinity of the site. However, it is considered that telecommunications development must be assessed within the context of the existing built environment and little weight can be attributed to potential future developments which currently are not part of the built environment or have planning permission.

CONCLUSION

The Local Planning Authority considers that the harm caused to the special character, setting and appearance of the Durham (City Centre) Conservation Area and to the long distance views of the World Heritage Site outweigh the benefits of the telecommunications development. In addition without the enclosure of a tree report, insufficient information regarding the impact of the development on an important grouping of trees has been submitted. As a result the proposal is considered contrary to Policies E3, E6, E22, E14, U1 and U3 of the Local Plan.

RECOMMENDATION

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

1. The Local Planning Authority considers that the proposed erection of the telecommunications monopole by virtue of its siting, scale and appearance fails to preserve or enhance the character, setting and appearance of Durham (City Centre) Conservation Area creating a prominent and intrusive feature. The proposal is therefore considered to be contrary to the requirements of Policies E6, E22 and U1 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the proposed erection of the telecommunications monopole by virtue of its siting, scale and appearance shall detract from key long distance views towards the Cathedral and Castle World Heritage Site from Gilesgate roundabout. The proposal is therefore considered to be contrary to the requirements of Policies E3 and U2 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the proposed erection of the telecommunications monopole has the potential to affect trees within close proximity to the site that contribute to the character of the Conservation Area. With no tree report or supporting information submitted to assess this impact, the proposals are considered to fail to accord with the requirements of Policies E14, E6 and E22 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Supporting Documentation and Declaration of Conformity with ICNIRP Public Exposure Guidelines

Planning Policy Statement 1 and Planning Policy Guidance Notes 8 and 15

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

City of Durham Local Plan 2004

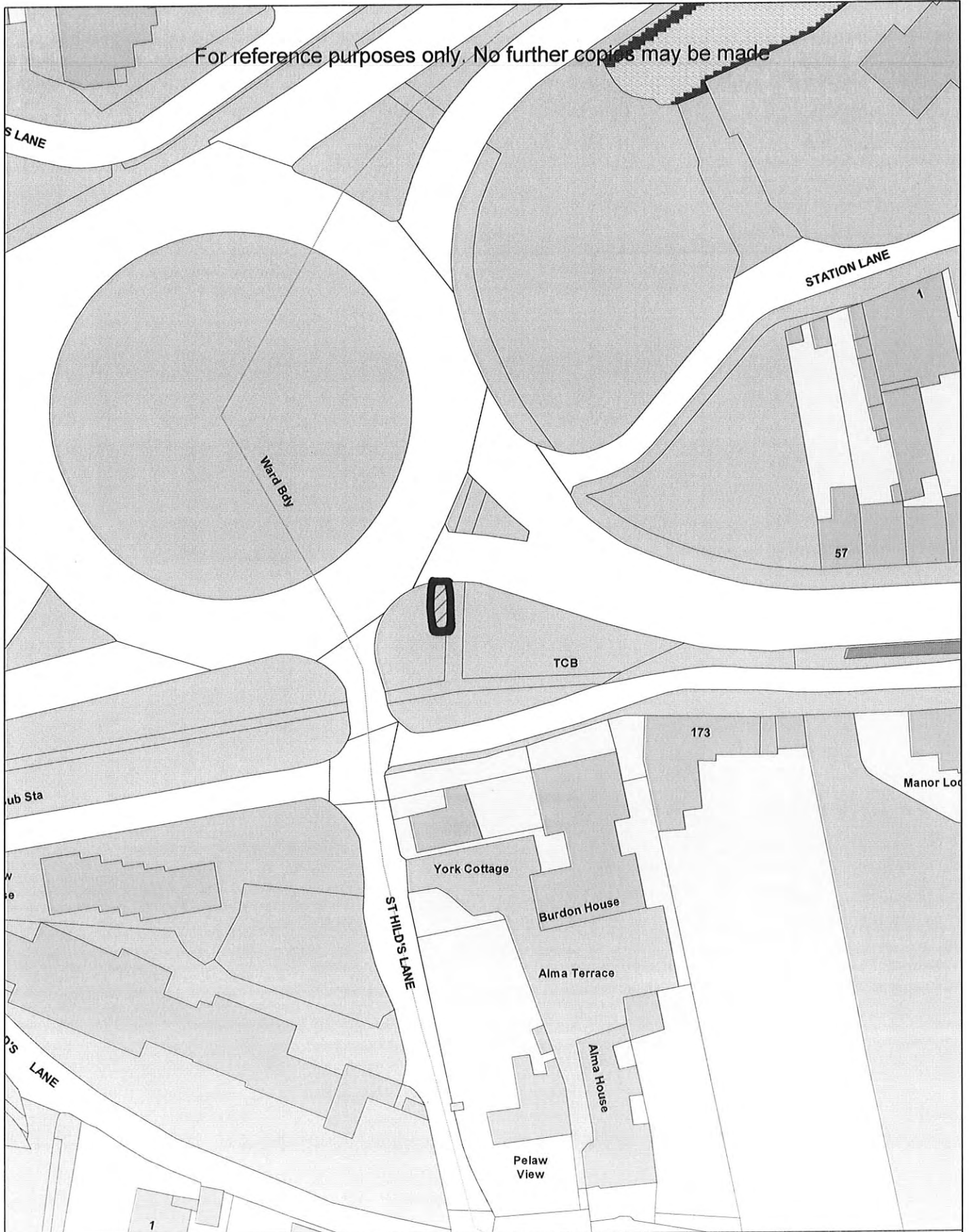
Response from County Highway Authority

Internal Responses

Public Consultation Responses

Various File Notes and Correspondence

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City of
Durham

Planning Services

Application No. 4/08/00886/FPA

Land Adjacent Gilesgate Roundabout, Gilesgate

Comments

Date

27 November 2008

Scale

1:750

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ITEM 6

08/00889/LB	4, 6, 7, 9, 17, 18 And 19 Magdalene Street, Gilesgate, Durham, DH1 1LG
City Of Durham Council	Proposed replacement external doors and windows, refurbishment of kitchens and bathrooms and installations of central heating systems

SITE AND APPLICATION DESCRIPTION

The application site relates to a terrace of Grade II Listed residential properties and involves external and internal alterations and repairs to a number of the Grade II Listed properties in association with their existing residential use and maintenance. The terraced properties date from the early 19th Century and were constructed as residential dwellings.

The site lies within the Durham City Centre Conservation Area and is bounded to the north, east and west by residential development. To the south are a mixture of residential, retail, and service accommodation.

RELEVANT HISTORY

An application was received in 1997 for the erection of a satellite dish to the rear of no. 9 Magdalene Street.

POLICIES***NATIONAL POLICY***

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

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

Planning Policy Guidance Note 13: Transport, this PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

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

Planning Policy Guidance Note 15: Planning and the Historic Environment lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together.

REGIONAL POLICY

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

LOCAL PLAN POLICY

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

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

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

Policy H14 (Residential Areas – Improvements to Housing Stock and Environment) states that the Council will seek to encourage developments and initiatives that secure environmental improvements within existing housing areas by; requiring development to respect and where appropriate enhance local character and encouraging and where appropriate supporting improvements to the overall condition of housing stock.

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.

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 dwelling) 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.

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. The full text, criteria, and justifications of each may be accessed at www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

None Received

INTERNAL RESPONSES

None Received

PUBLIC RESPONSES

None Received

PLANNING CONSIDERATIONS

The main issues are the impacts of the scheme upon the character, appearance and quality of the Grade II Listed properties and the surrounding Durham (City Centre) Conservation Area.

The buildings identified are deemed to be of historical and architectural importance and are Grade II Listed Buildings, and in this regard, PPG15 states that 'In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question'. At present the buildings are in a reasonable state of repair, however, they have been subject to a number of external and internal alterations. Principally the replacement of windows, construction of extensions to the rear and internal alterations involving erection of partition walls and installation of services etc. The existing windows and doors, to both the front and rear elevations are in a poor condition, with many suffering from wood rot and movement distorting the shape of the windows. Internally the fixtures, fittings and services require replacement due to their age and condition. The repair of these properties would assist in safeguarding the continuing residential use of these important Listed Buildings.

Each property features a variety of window styles, with sliding sash windows present to the front elevation, and casement style windows to the rear. The application proposes like for like window replacements. However, within the original submission, double glazed units were proposed. Due to the character, appearance and quality of the Grade II Listed Buildings and the presence of existing single glazing, it was requested that the proposed windows incorporated a single glazed unit. As such the use of single glazed elements would be in accordance with Policy E23 of the City of Durham Local Plan 2004. Additional external alterations involve the installation of replacement timber 6-panelled doors to the principal elevation and replacement of the existing rain water goods with cast iron. Both of which would assist in returning the terrace to its former appearance.

Internally alterations include the replacement of existing kitchen and bathroom fittings and electrical re-wiring. The existing kitchen and bathroom fittings are later additions to the property and as such will result in little intrusion with the historic fabric. Electrical re-wiring will involve the exposure, removal and replacement of existing wiring, and will therefore result in little additional disturbance to the internal fabric, whilst both preserving and enhancing the character and appearance of the property.

Due to the above elements, it is felt by Officers that the external and internal alterations proposed would both preserve and enhance the character, appearance and quality of the Grade II Listed Properties and would also result in a positive contribution towards both the character and appearance of the Durham (City Centre) Conservation Area, and would

therefore be in accordance with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

CONCLUSION

The internal and external alterations proposed including replacement of windows, rain water goods and re-wiring is supported. The proposal would be sympathetic in design, scale and materials to the character and appearance of the properties, which as identified in the Local Plan are priorities for alterations to residential dwellings. The proposals would both preserve and enhance the character and appearance of the Grade II Listed Buildings, whilst ensuring their continued use as residential dwellings. Due to the alterations proposed, they are not considered to result in a detrimental impact upon the residential amenity of surrounding occupiers. In respect of the impact upon the Grade II Listed Buildings a number of conditions are proposed to ensure suitable development occurs, whilst ensuring the future use of these valuable historic buildings. Accordingly, Officers are able to support the application.

RECOMMENDATION

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

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 1:5 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, 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.
7. Notwithstanding the information shown on the submitted plans, full details of the proposed central heating systems, to include details of all cable and plumbing runs, methods of attachment, location 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.

8. Notwithstanding the information shown on the submitted plans, full details of the proposed electrical wiring, to include details of all existing and proposed cable runs, methods of attachment, location 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.
9. Before development is commenced details of all flues, vents and extracts, to include details of location, scale, design, method of attachment and associated pipe work runs shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.
10. Demolition/alterations shall be carried out in a manner to be agreed in writing with the Local Planning Authority and the said Authority shall be informed immediately of any concealed feature which is revealed by such works. Such features shall be retained if the said Authority so requires.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPS3, PPG13, PPG15

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

City of Durham Local Plan 2004

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Planning Services

Application No. 4/08/00889/LB

4, 6, 7, 9, 17, 18 and 19 Magdalene Street,
Gilesgate

Comments

Date

27 November 2008

Scale

1:625

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6. ENFORCEMENT ITEM

Leazes Cottage, Leazes Place, Durham

Leazes Cottage is a Grade II Listed Building. A listed building enforcement notice was served requiring the demolition of an unauthorised wall built in 2003 and the removal of the resulting materials from the site.

The location, materials, form, appearance and construction, were considered detrimental to the character, appearance and setting of the listed building and conservation area.

An appeal against the notice was dismissed on the 5 May 2004 and required the owner to carry out the remedial work by 5 August 2004.

Following the failure to comply with the notice the Council resolved that prosecution proceedings be instigated. The case was heard in the Magistrates Court on the 9 October 2006. The defendant was found guilty, fined and ordered to pay costs.

Several attempts have been made to contact the owner and confirm when the required works are to be undertaken in order to comply with the outstanding Enforcement Notice, but without any success.

In circumstances where steps required by the notice to be taken have not been taken, the Local Planning Authority may enter the land and take those steps. It may also recover from the owner any expenses reasonably incurred by them in doing so. This could prove difficult in the short term given the property owner's absence from the Country, although a charge could be placed on the property with Land Registry, thus assuring full cost recovery plus base rate interest.

An estimate of the costs to remove the wall and store the resultant materials for a period of two months is £795.

It has been extremely frustrating, having pursued the matter through the Courts, for the matter to remain unresolved. Authorisation is therefore sought to take direct action to secure compliance with the notice

Recommendation

That authorisation is given for the Council to carry out the steps required in the Enforcement Notice and to store the resultant materials for a period of two months.

