

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 10th December, 2008, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Freeman, Holland, Howarth, Kinghorn, Laverick, Marsden, Pitts, Simmons, Simpson, D Smith, Stoddart, Taylor and Walker.

Also Present: Councillors Kellett, Moderate, Wilkes and Wolstenholme.

311. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr, Crooks, Dickie, Plews, Rae, Southwell and Young.

312. MINUTES

The Minutes of the Meeting held on 12th November, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

313. REPORT FOR INFORMATION

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

Resolved: That the report be noted.

Report of Head of Planning Services

314. REPORTS FOR INFORMATION

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

- (a) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by JC Decaux - Site at 51 High Street South, Langley Moor, Durham, DH7 8EU
 - (ii) Appeal by Claypath Dental Practice – Site at 71 Claypath, Durham, DH1 1QT
 - (iii) Appeal by T Lawson – Site at land at North Street, Hett, Durham, DH6 5LR
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

315. TREE PRESERVATION ORDERS

(a) PN1/410 – Site at land adjacent to 46 Orchard Drive, Ferens Park, Durham

This Tree Preservation Order was served on 24th July, 2008. The Order was made to protect 5 sycamore trees located on land adjacent to 46 Orchard Drive, Ferens Park, Durham.

The trees were owned by residents living in Ferens Park who had received correspondence from OCA UK Ltd (acting on behalf of the insurers of 46 Orchard Drive) requesting that the trees be removed. The level of threat was considered to be high as the City Council had also received a section 211 notice from OCA giving notice of intention to fell the trees.

These semi-mature sycamore trees were of local visual importance and contributed to the woodland character of the local area and a public footpath that ran adjacent to them.

The Order had had effect for 6 months and as the 28 day objection period had expired and no conclusive evidence had been submitted to prevent confirmation, it was recommended that the Order be confirmed.

An objection to the Order had been received from OCA stating that the reasons for making the Order were not explained and that the trees were not worthy of protection, however whilst giving consideration to the objection from OCA (who had been asked for and failed to supply conclusive evidence which implicated the trees in the alleged subsidence to 46 Orchard Drive), confirmation of the Tree Preservation Order was recommended.

Resolved: That Tree Preservation Order PN1/410, land adjacent to 46 Orchard Drive, Ferens Park, be confirmed without modification.

(b) PN1/412 – Site at Kirkstone Drive to the rear of 81 High Street, Carrville, Durham

This Tree Preservation Order was served on 1st September, 2008. The Order was made to protect a mixed group of 9 trees made up of lime, birch, sycamore, whitebeam and ash, located on an area of land in Kirkstone Drive to the rear of 81 High Street, Carrville.

The area of land to the front of the tree group was located on Carrville High Street and may be developed in future. As this area of land would be one of the few open spaces left, it may be under pressure from redevelopment too.

The trees had intrinsic high value and were fully visible from High Street which was the main road through Carrville. They contributed to the character and appearance of the surrounding area and were valuable in the urban area that had little in the way of trees and green spaces. The trees were also of wildlife value.

The Order had had effect for 6 months and as no objections were received during the 28 day consultation period it was recommended that the Order be confirmed to safeguard the trees and their contribution to public visual amenity.

Resolved: That Provisional Tree Preservation Order PN1/412 be confirmed without modification.

(c) PN1/411 – Site at Castle Lodge, Brancepeth Village, Durham

This Tree Preservation Order was served on the 1st August, 2008. The Order was made to protect a mixed group of trees located around Castle Lodge, Brancepeth Village, Durham.

The trees had intrinsic value and were fully visible from the road approaching Brancepeth Castle as they were located at the beginning of the entranceway to the Castle. They contributed to the character and appearance of the Conservation Area and to the setting and approach to the Castle. The trees were also of wildlife value.

A section 211 notice had been received to fell one of the trees and the level of threat was considered to be high.

The Order had had effect 6 months and as no objections had been received during the 28 day consultation period it was recommended that the Order be confirmed to safeguard the trees and their contribution to public visual amenity.

Resolved: That Provisional Tree Preservation Order PN1/411 be confirmed without modification.

316. RECOMMENDATIONS ON OTHER APPLICATIONS

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

- (a) 08/00677/FPA
Shepherd Homes** **Station House, Old Station Yard, Langley Park,
Durham, DH7 9TL
Erection of 23no. dwellings with associated garages,
parking and landscaping**

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of 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, 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 in writing by the Local Planning Authority in writing before the development commences. Development shall thereafter be implemented 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 by the Local Planning Authority in writing before development 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 plans 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 & 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 planning permission from the Local Planning Authority.
- (11) - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other freestanding structures shall be erected at any time without the grant of further specific planning permission from the Local Planning Authority.
- (12) - Notwithstanding the provisions of the Town & 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 dwellinghouse which faces onto a vehicular highway, without the grant of further specific planning permission from the Local Planning Authority.
- (13) - Notwithstanding the provisions of the Town & 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 dwellinghouse(s) without the grant of further specific planning permission from the Local Planning Authority.
- (14) - Notwithstanding the provisions of the Town & 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 planning permission from the Local Planning Authority.
- (15) - Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees together with details of post planting maintenance. Such a scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner

- or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
- (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 becoming 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.

(b) 08/00728/FPA
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 to provide staff area, visitor centre, animal barns and refreshment area; provision of amphitheatre, car and coach parking; and formation of associated outdoor activities and landscaping**

Resolved: 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 and 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.

Note: Councillor Holland left the Meeting at 6.20 p.m.

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

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

Members had concerns about the potential of the use to generate anti social behaviour late at night by the congregation of large number of car borne visitors and requested that the applicant explore with the centre owners the provision of a gate or collapsible bollard within the car park to prevent access through to the main Arnison Centre car park at times when the centre was not ordinarily open to the public. Additionally, Members asked that the issue be raised of white lining the traffic calming tables in the car park to give an appearance of a pedestrian crossing to make it clear that pedestrians have priority.

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 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.

Note: Councillors Kellett, Moderate and Stoddart left the Meeting at 6.45 p.m.

(d) **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 external seating
area and plant compound to rear of existing building**

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 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.

Note: *Councillors Marsden and Wilkes left the Meeting at 6.50 p.m.*

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

ITEM WITHDRAWN

- (f) **08/00889/LB**
City of Durham Council **4, 6, 7, 9, 17, 18 & 19 Magdalene Street, Gilesgate, Durham, DH1 1LG**
Proposed replacement external doors and windows, refurbishment of kitchens and bathrooms and installation of central hearing systems

Resolved: That the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE** subject to the following conditions:-

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

**317. ENFORCEMENT ITEM –
SITE AT LEAZES COTTAGE, LEAZES PLACE, DURHAM**

Leazes Cottage was 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 5th May, 2004, and required the owner to carry out the remedial work by 5th 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 9th October, 2006, when the defendant was found guilty, fined and ordered to pay costs.

Several attempts had been made to contact the owner and confirm when the required works were 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 had not been taken, the Local Planning Authority could enter land and take those steps. It could also recover from the owner any expenses reasonably incurred 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 the 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 2 months was £795.

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

Resolved: That authorisation be given for the Council to carry out the steps required in the Enforcement Notice and to store the resultant materials for a period of 2 months.

The Meeting terminated at 7.00 p.m.

Chair

CITY OF DURHAM

DEVELOPMENT CONTROL COMMITTEE

22 JANUARY 2009

REPORT OF STRATEGIC SERVICES

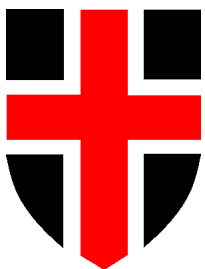
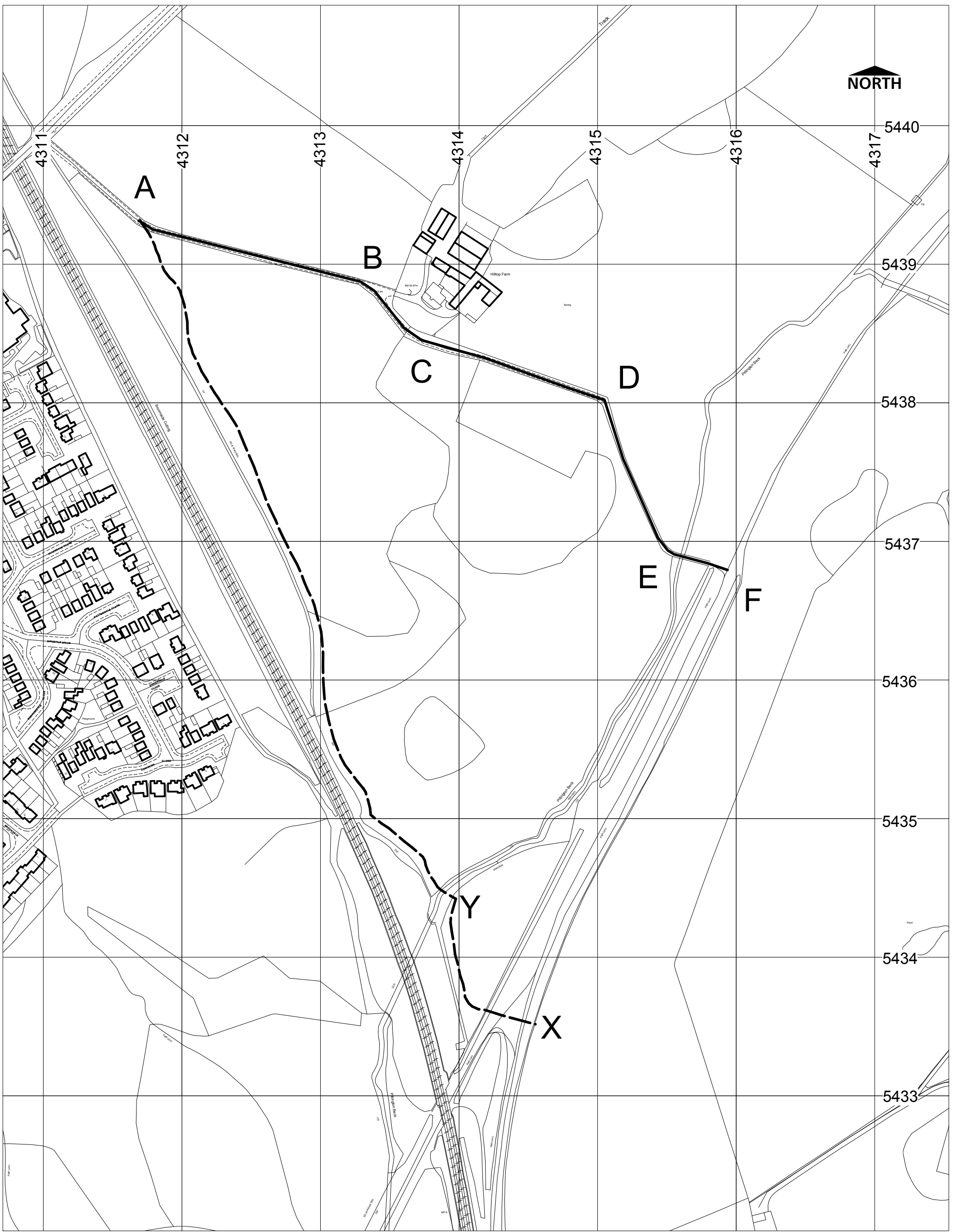
THE CITY OF DURHAM (FOOTPATH NO.33, PITTINGTON PARISH, CARRVILLE, DURHAM) DIVERSION ORDER 2008

The above Order was made by the City Council on the 27 October 2008. The Order provides for the diversion of part of the existing footpath shown between points A and F on the plan attached and the creation of an alternative footpath between the points A and X to enable development to be carried out in accordance with planning permission granted by this Authority under the Town and Country Planning Act 1990.

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

Recommendation

That the Committee now confirms the City of Durham (Footpath No. 33 Pittington Parish, Carrville, Durham) Diversion Order 2008.



CITY OF DURHAM
PROPERTY SERVICES:
 Head of Service, Angelo Moscardini
 Unit1, Damson Way, Dragonville.
 Durham DH1 2YN.
 Tel. DURHAM (0191) 3866111

**Proposed Stopping Up and Diversion of
 Part of Footpath 33
 Ramside Hall Hotel and Golf Club**

Date 16th Oct. 2008 Drg.No. M567/2 1:2500

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CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

22 January 2009

REPORT OF THE HEAD OF PLANNING SERVICES

Reports for Information

Members are asked to note that reports in relation to the following items are placed in the Members Room in the Town Hall: -

- 1. Notice of Planning / Enforcement Appeals which have been lodged with the City Council**
 - a) Appeal by Mr N Swift (Hope Estates Ltd)
Site at 33 Whinney Hill, Durham, DH1 3BD
 - b) Appeal by Mr M Robinson
Site at 43 Luke Avenue, Cassop, Durham, DH6 4RD
 - c) Appeal by Mr E Clark
Site at 20 Whinney Hill, Durham, DH1 3BE
 - d) Appeal by Mr D Carr
Site at Willow Cottage, Meadowfield Farm, Thornley, Durham, DH6 3EE
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
 - a) Appeal by Mr A Whitley
Site at Bracken Cottage, Bank Foot, High Shincliffe, Durham, DH1 2PD
 - b) Appeal by Local Shopping Reit Plc
Site at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
 - c) Appeal by Mrs M Cornish
Site at 18 St Nicholas Drive, Whitesmocks, Durham, DH1 4HH
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

4. Decisions made by the County Council

Applicant No:	CM4/08/871
Applicant:	Durham County Council
Location:	Abbey Day Centre, Abbey Road, Pity Me, Durham, DH1 5DQ
Proposal:	Formation of accessible footpath to provide wheelchair access

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

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

Recommendation:

That the report be noted.

Applicant No:	CM4/08/832
Applicant:	Durham Bluecoat Church of England Junior School
Location:	Durham Bluecoat Church of England Junior School, Langley Road, Newton Hall Durham, DH1 5LP
Proposal:	Erection of carpark lighting

The above application was considered by the City Council under delegated powers on 8 October 2008 when it was resolved to raise no objection subject to the lights being operated on a time system, times as outlined in the submitted design and access statement, and that due consideration is given to the impact of the lighting on the neighbouring residential properties.

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

Recommendation:

That the report be noted.

Applicant No:	CM4/08/901
Applicant:	Shincliffe Church of England Primary School
Location:	Shincliffe Church Of England Junior And Infant School, High Street, High Shincliffe, Durham
Proposal:	Erection of parent waiting shelter and outdoor play area canopy

The above application was considered by the City Council under delegated powers on 23 October 2008 when it was resolved to raise no objection.

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

Recommendation:

That the report be noted.

Applicant No:	CM4/08/916
Applicant:	Framwellgate Moor Comprehensive School
Location:	Framwellgate Moor Comprehensive School, Newton Drive, Framwellgate Moor, Durham
Proposal:	Erection of decking with canopy

The above application was considered by the City Council under delegated powers on 20 November 2008 when it was resolved to raise no objection.

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

Recommendation:

That the report be noted.

Applicant No:	CM4/08/905
Applicant:	Durham County Council
Location:	Durham Johnstone Comprehensive School, Crossgate Moor, Durham
Proposal:	Retention of site accesses, temporary buildings, storage containers, playground and car park until April 2009

The above application was considered by the City Council under delegated powers on 12 November 2008 when it was resolved to raise no objection.

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

Recommendation:

That the report be noted.

3. Recommendation on other Applications

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

Number And Applicant	Location	Proposal	Recommendation
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ITEM 1

08/00913/FPA Brett Bros Development	Middlewood House Middlewood Ushaw Moor Durham DH7 7RB	Erection of 16 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping (revised and resubmitted)	Minded To Approve
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ITEM 2

08/0948/FPA + 08/0949/CAC Durham Aged Mineworkers' Association	George Parkinson Memorial Homes Sherburn Village Durham DH6 1DH	Demolition of 12 no. existing dwellings and change of use of open space in association with erection of 16 no. two bedroom bungalows	Approve
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ITEM 3

08/00955/FPA Mr B Watts	Playing Field Opposite Church Street Quarrington Hill Durham	Removal of existing play equipment and erection of replacement recreational area and play equipment	Approve
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ITEM 4

08/00969/FPA Barry Martin And Associates	Land Surrounding Cornforth Moor Farm And Between A1 And A688 Tursdale Bowburn	Change of use of land to equestrian stud farm and racing stables, including erection of 12 bay stable block, formation of all weather exercise ring enclosed by 1.3m high fencing, subdivision of fields to form paddocks, siting of 7 no. field shelters and associated parking provision and landscaping	Approve
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ITEM 5

08/00970/FPA Barry Martin And Associates	Land Between A1(M) And A688 Cornforth Moor Tursdale Bowburn	Change of use of land to equestrian riding school including erection of log cabin for residential occupation by facility manager, erection of 8 bay stable block with tack room, managers office and hay store together with associated parking provision and landscaping	Refuse
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ITEM 6

08/00977/FPA Barry Martin And Associates	Land To West Of A688 Cornforth Moor Tursdale Bowburn	Change of use of land for temporary period of 3 years for grazing of 8 no. horses including subdivision by 1.3m high fencing and siting of 4 no. field shelters	Approve
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ITEM 7

08/00997/OUT City of Durham Council	Land At Corner Of Waltons Terrace And The Bungalows New Brancepeth Durham	Outline application with all matters reserved for the erection of 2 no. semi-detached dwellings, up to 8m in height	Approve
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ITEM 8

08/00998/OUT City of Durham Council	Land To The East Of 24 Neil Crescent Quarrington Hill Durham	Outline application with all matters reserved for the erection of 2 no. semi-detached dwellings, up to 8m in height	Approve
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ITEM 9

08/999/OUT + 08/1000/OUT City of Durham Council	Land To The East And South Of 16 David Terrace Quarrington Hill Durham	Outline application with all matters reserved for the erection of 3 no. or 4 no. dwellings including diversion of public right of way	Approve
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ITEM 10

08/01001/FPA City of Durham Council	Land Between 45 Linden Grove And 58 Lansdowne Road Coxhoe Durham	Outline application with all matters reserved for the erection of 2 no. bungalows (description amended 8/01/09)	Approve
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ITEM 11

08/01008/FPA Grange Foundry Inn	Grange Foundry Inn And 1 And 56 Kepier Crescent Gilesgate Moor Durham DH1 1PG	Demolition of existing public house and erection of two storey building with accommodation in roofspace comprising 3 no. retail units and 6 no. apartments together with change of use and conversion of 2 no. existing dwellings to form 4 no. apartments, together with associated parking and refuse facilities	Approve
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ITEM 12

08/01049/FPA Coxhoe Parish Council	Coxhoe Village Hall Front Street East Coxhoe Durham DH6 4DB	Improvement works to memorial garden consisting of replacement wall with railings to front and sides and hard and soft landscaping, together with formation of ramped access to hall	Approve
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ITEM 1

08/00913/FPA	Middlewood House, Middlewood, Ushaw Moor, Durham, DH7 7RB
Brett Bros Development	Erection of 16 sheltered accommodation apartments with warden accommodation and communal areas in three storey pitched roof building with associated parking and landscaping (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

The proposed development site is at the entrance to the Middlewood development in Ushaw Moor. The site is outside the defined settlement boundary set out in the City of Durham Local Plan, 2004, and is likewise on land defined as Green Belt. The site is currently vacant, having only a metalled turning head in its south-east corner as its only formal on-site feature, albeit an informal track traverses the site diagonally. The north boundary of the site is shared with the grounds of Durham Community Business College, The east with open woodland (subject to a Preservation Order), with an electricity sub-station at the southernmost part of this boundary, adjacent the estate road. This estate road runs along the southern edge of the site accessing the Middlewood housing development, formerly Local Authority housing, part of which has been remodelled by the applicant over recent years.

The application proposes erection of 16no. one and two bed apartments, 12no of which would be restricted to occupation as sheltered accommodation for over 55s. The application is a resubmission, and has been designed to have a scale more appropriate to its relationship to the adjacent property existing at Middlewood. Three storeys of accommodation are proposed provided, with car parking to the side.

RELEVANT HISTORY

The site has previously been granted permission for dwellings on the site, but these were unimplemented. As noted above the current application is a resubmission of a similar proposal submitted and withdrawn in 2008.

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

Planning Policy Statement 3, Housing includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision. Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores

the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

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

Planning Policy 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 POLICY

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

Policy H5 (New Housing the Countryside) sets out criteria outlining the limited circumstances in which new housing in the countryside will be permitted, this being where it is required for occupation by persons employed solely or mainly in agriculture or forestry.

Policy H12a says the Council will monitor housing completions and work to achieve schemes of an appropriate balance of dwelling type, size and density in schemes.

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

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

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

Policy T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

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

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

Policy 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.

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

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

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

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

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

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

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority notes the improvements to the access and car parking arrangements over the previous submission, with some detailed comments on design matters that may be conditioned.

The County Access and Rights of Way officer notes his department has been contacted by a member of the public claiming a right of way across the site. Albeit no evidence was submitted in support of the claim it is considered there is clear evidence such rights have been acquired. It is advised that the development would need therefore either to incorporate the path or include for a diversion/stopping order as part of any favourable decision.

PUBLIC RESPONSES

Brandon and Byshottles Parish Council offer the application its full support, believing the proposed development will be an asset to the village.

The Director of Resources from the adjacent Durham Community Business College object to the loss of the access across the land for their students, considering its potential removal 'a serious Health and Safety risk for the youngsters of the community'.

A resident of an adjacent property has raised concerns on the appropriateness of the character of the development. However, she notes that if the development were approved the potential for access to the sides and rear of the development must be secured to counter potential for problems with vandalism documented in the area.

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

PLANNING CONSIDERATIONS

Despite previous approvals for housing on this site, the current policy context, set out in the City of Durham Local Plan, 2004 locates the land outside the settlement boundary, and in the North Durham Green Belt, and the countryside. The development is therefore contrary, in principle, to Local Plan Policies E1 and E7 and to national planning policy advice set out in PPG2 and PPS7.

The national guidance on Green Belts, set out a list of objectives for the designation, including the check of urban sprawl, preventing towns merging, safeguarding the countryside, and assisting urban regeneration by focussing development on urban land, and then sets out the role they play in providing access to the countryside, improving urban fringe land, securing nature conservation, retaining countryside uses, and retaining attractive landscapes. The 'openness' of the land is paramount. Similarly the policies for development in the countryside restrict residential development to that specially justified to agricultural workers dwellings.

The developer's supporting statement presents mitigating circumstances; referring to the specifics of the site and its location; it being enclosed on its northern and most open boundary to the north, by both the topography and a high fence, from the grounds of the Community College. The developer argues that the site considered individually 'does not appear to be in the spirit of the advice' in national policy. Officers have some sympathy with this view, as the site is enclosed, appears closely associated the housing development, and has very limited role in separating Ushaw Moor from the adjacent village of Bearpark. For this reason also reference is made in the above 'policies' section to protection of open spaces within settlement boundaries, and housing policies relating to the villages. In this regard it is proposed therefore to consider whether the proposed scheme is of sufficient merit to outweigh the prevailing policy context of the Countryside/Greenbelt setting and, if this is the case, give some weight and consider it against the Policies that would apply if the site were within the settlement boundary.

Policy H3 sets out the requirements for new housing development in the Villages, identifying Ushaw Moor as a Coalfield Village in need of particular regeneration, allowing for development of small greenfield 'windfall' sites, where regeneration benefits or redevelopment of brownfield land is not an alternative. Just as the site has a functional value to the Green Belt which is questionable, it likewise has limited function as an open space within a settlement Boundary (Policy E5a). It is, however, recognised that the land is used in conjunction with a short-cut through the adjacent woods, notably by students of the adjacent of the Community Business College. The applicant has accordingly indicated a willingness both to divert the claimed footpath and provide additional footways along the roadside beyond his site (Policy R11). The adjacent housing in Middlewood has recently been remodelled and upgraded (with the exception of that property immediately adjacent the site), with the intent that the proposed development will usefully 'round off' existing elements of that estate.

The proposal is a large detached building, which uses various architectural devices to break up its mass, and step down to a scale appropriate to its two storey residential neighbour. Using the landform, and surrounding features the block has been designed to sit between the existing mature woodland, and the rising development of Middlewood, as a 'stop' to the built development given scale by the protected mature trees. Officers are satisfied with the design, scale and character of the building, when assessed against policies Q8 and H3. The most significant amendment to the resubmitted design is the size of the building adjacent 1 Middlewood. The proposed building is separated from this dwelling by 2m (6'6"), projecting 1m beyond the rear building line of that property, and 1.5m past the front. With a directly comparable eaves line and a roof hipped away from that dwelling, the effect of the proposed structure on that residence is considered acceptable by officers. That resident occupier's has concerns relating to potential access to the side and rear of the new building for vandalism and anti-social behaviour but these can be addressed by the imposition of appropriate conditions for fencing/gates. It is noted the position of the building on the site, and one of the reasons the previously consents were not implemented is the presence of a trunk main pipeline traversing north/south across the west of the site.

The County Highway Authority have indicated with minor design changes – of a level appropriate to be agreed by condition - the vehicular access and parking provision proposed is appropriate (Policies T1 and T10).

The building has been designed for a mixed occupation, primarily of sheltered over 55's accommodation, with ground floor layout including ramps and considered for wheelchair access, with the Planning Statement noting the intention for provision of adapted bathroom facilities, warden alarm, door entry system and a 24 hour care-line, and could include a carer's bedroom (Policies Q1 and Q2). With the ground and first floors each providing 6 no. of these specialist flats, the remaining units on the second floor would be available for working professionals, over 55's and/or carer's for residents. It is part of the applicant's case

for the deviation from Green Belt and settlement boundary policies that the provision of specialist accommodation for over 55's, outside the usual local authority provision, addresses the required special circumstances necessary for an approval, and is in line with local and national aspirations for creating balanced communities by creating opportunity for a wide range of accommodation types and tenures. Policy H12a seeks to achieve this balance of dwelling type, size and density of housing scheme.

CONCLUSION

The proposed development is contrary in principle to policies designed to protect the Green Belt and the open countryside. The determination of the application must be assessed against the merits of the proposals and the specifics of the site. Given the location of the site, and its relationship to the immediate and wider countryside and Green Belt, officers are persuaded by the merit of the applicant's arguments in associating the site with the developed village. Likewise whilst the site is green field, the policy relating to housing development in the villages identifies Ushaw Moor as one where windfall sites may be developed if wider benefits to the community may accrue. The provision of specialist private sector housing is accepted as satisfying this criteria.

As a departure from Council Policy the decision of the Council would need to be ratified by the Government Office, and the application is recommended on this basis.

Any decision must also make provision for initiation of a stopping up order/footpath diversion.

RECOMMENDATION A

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. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Notwithstanding the information shown on the submitted application, the materials used in the extension hereby approved shall closely match in colour, texture and appearance those of the existing dwelling of which the extension will form part.
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. Fencing and gates must be provided to secure the rear of the proposed building 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. The parking spaces should be marked permanently in a method to be part of the written agreement, which should also include details of two of the spaces being increased in size for disabled use.

6. 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.
7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
8. The apartments on the ground and first floors shall only be occupied by persons aged 55 or over.

RECOMMENDATION B

That authority be given to the making of an Order under Section 257 of the Town and Country Planning Act 1990 to a diversion of the public footpath, subject to the applicant paying the Councils' administrative and advertisement costs.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS13

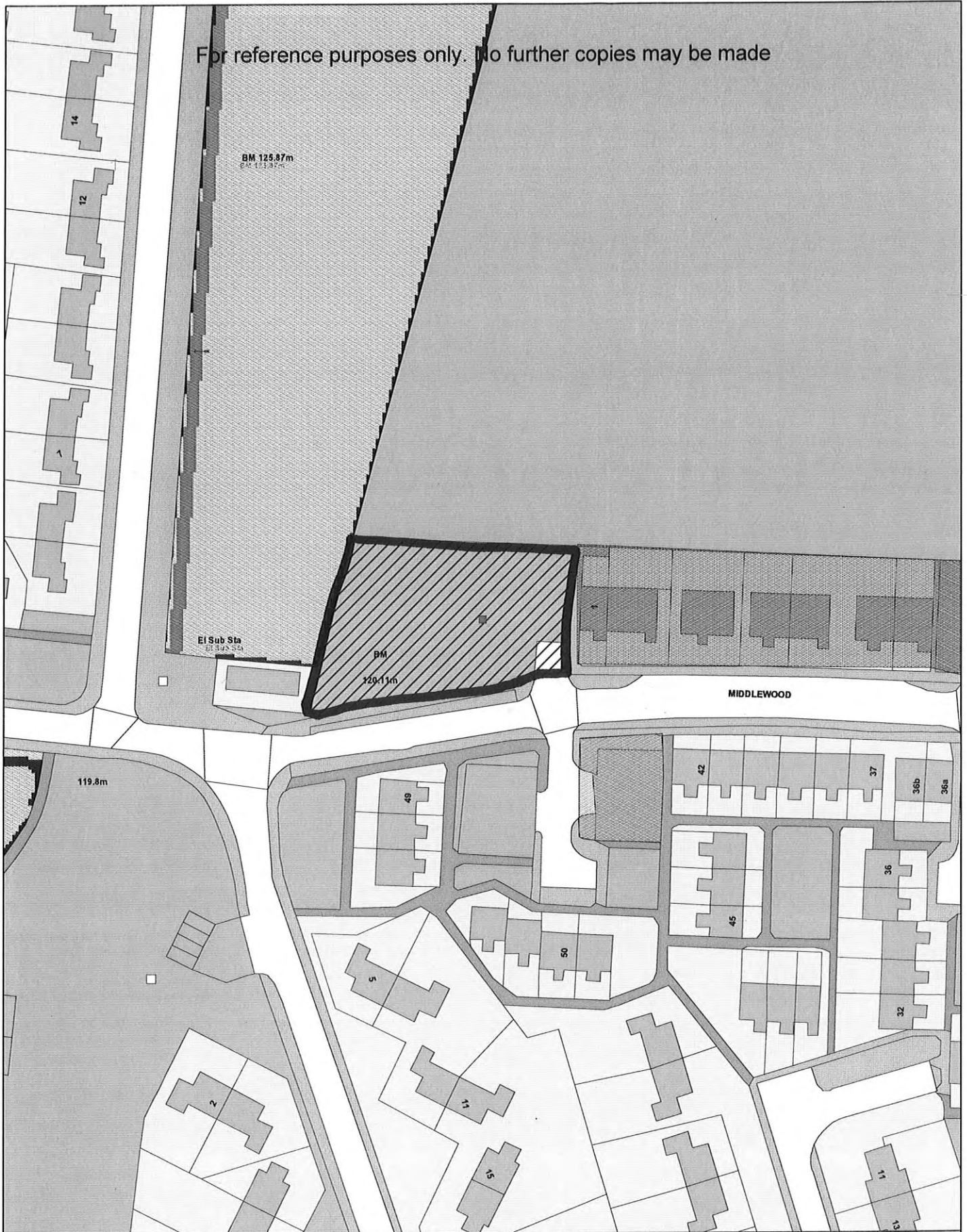
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Responses from County Highways, County Footpaths and Parish Council

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00913/FPA

Middlewood House, Middlewood, Ushaw Moor

Comments

Date

09 January 2009

Scale

1:1000

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ITEM 2

<p>08/00948/FPA + 08/00949/CAC</p> <p>Durham Aged Mineworkers' Association</p>	<p>George Parkinson Memorial Homes, Sherburn Village, Durham, DH6 1DH</p> <p>Demolition of 12 no. existing dwellings in association with erection of 16 no. two bedroom bungalows</p>
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SITE AND APPLICATION DESCRIPTION

These two applications – one for planning permission, the other being the parallel demolition consent – relate to the vacated George Parkinson Memorial Homes, on land north of the crossroads in Sherburn Village. Following demolition, the erection of 16 no. new dwellings is proposed on the cleared site, and an area of greenfield space to the rear. The site lies prominently north of Sherburn Village crossroads, within the Conservation Area, with the existing buildings contributing in large part to that designation.

The site is surrounded in the main by residential development, with an estate of two storey semi-detached local authority built properties to the west, a new development of specialist bungalows on the former infant school site across the road to the east. The small commercial centre of the village lies south, towards the cross-roads, with a Methodist Church and further residential development separated by the access to the back lane that bisects the site to the north. Immediately adjacent the southern boundary of the site is a small, detached, shuttered commercial building that trades as a hot-food take-away.

The bungalows proposed demolished were built in 1913 in an Edwardian Cottage style, and now represent one of the clearest links in the village with it's industrial past. The open green land to the rear has existed as informal space, allowing access to some of the rear gardens in Liddle Avenue. There is a suggestion that the land attracts anti-social behaviour on occasion.

The developer is a specialist housing provider, seeking to provide accommodation similar to that of the existing properties, but to modern standards. Acknowledging the historical importance, and aesthetic attributes of the existing redundant structures, the applicant's architect has sought to replicate the idiom of traditional Aged Miner's Homes whilst allowing for the standards of modern accommodation demanded by the client.

RELEVANT HISTORY

The Aged Miners homes are remarkably original, presumably as a result of their ownership, and with the land to the rear undeveloped, there is little relevant planning history.

POLICIES**NATIONAL POLICIES**

Planning Policy Statement 1, Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement 3, Housing includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG

includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision. Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, highlighting the role of public transport provision, making the best use of land and approach to any necessary green-field development.

Planning Policy Guidance 13, Transport objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance 15, Planning and the Historic Environment lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system. These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

Planning Policy Guidance 17, Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.

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

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

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

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

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

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

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

Policy 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 R3 (Protection of Outdoor Recreation Facilities) seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

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

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

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

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

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

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

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highways Authority raise no objection to the proposals, but note the need for a highways stopping up order to accommodate the proposed alterations to the rear yards and parking arrangements.

PUBLIC RESPONSES

Three public responses have been received in response to a public consultation exercise consisting 53 individual letters, and advertisements posted on site and in the local press.

The History Group from the Sherburn Hill Community Centre wish the stone memorial tablet from the existing buildings retained.

A resident of the adjacent Liddle Avenue has concerns relating to the extra highways movements the scheme is likely to bring, requesting a one-way system for vehicular traffic, and lighting for access to the garages in the rear gardens of that street.

A correspondent from Chapel Court describes the proposal to demolish the Memorial Homes as vandalism, considering the properties the best examples of early 19th Century miners homes in East Durham, whose loss will be particularly felt in a village displaying little architectural merit or historic association, requesting the façade at least is retained. The justification for the number of bedrooms is questioned, and claimed to have a negative impact on the carbon footprint, the proposed development summarised as spoiling the character of the village.

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

There are two main elements to the consideration of this application. Firstly, is the demolition of the existing development on the site acceptable, this relating to Policies E21 and E22 of the Local Plan. The second element – the redevelopment of the site must consider if the replacement dwellings are sufficiently justified, and whether the loss of the open space is acceptable, against Policies E22, Q8, E5a, and H3 as the principal planning context.

Whilst the existing dwellings have shortcomings for modern housing expectations, they undeniably have a strong character, and provide a tangible link with the history of the village. There is sympathy with the views expressed by the resident of Chapel Court in this regard. Their importance is reflected in the extent of the conservation area boundary, extended to include them to the north of the crossroads. The relatively unaltered appearance of the dwellings, front and rear, and the distinctive simple rhythm of the design relate an important part of the social history of the village. The Council's principal policy on Conservation Areas derives from national guidance in Planning Policy Guidance Note 15, which requires a similar approach in conservation areas to the demolition of buildings as would be required for the demolition of a listed building. Obsolescence in terms of both the building's original use, and appropriate alternatives, with detailed structural and financial surveys, and an indication of alternatives should be expected.

The applicants – Durham Aged Mineworker's Housing Association (DAMHA) is a specialist housing provider, aiming to provide contemporary suitable accommodation for over 55s, meeting the standards of the Code for Sustainable Homes, Lifetime Homes Standard, Building for Life, and Secured by Design. They note the current layouts of the buildings fall significantly short of modern standards and expectations in a number of areas, with the bathrooms poorly related to bedrooms, inability to accommodate wheelchair accessible showers and WCs, means of escape to required Fire Safety Standards lacking, small room sizes with poor layout, and a step between the living room and kitchen preventing wheelchair compatibility. Funding has been approved for DAMHA for new-build, but not refurbishment, as the existing building cannot be brought up to standard. They note the consultation document for the 'Masterplan' for Sherburn Hill and Sherburn Village, commissioned from GVA Grimley by the Durham Villages Regeneration Company (GVRC) identified a shortage of, and demand for two bed-roomed bungalows, the increased expectations of accommodation by residents, a desired of older residents to maintain residential independence, and the importance of location for access to shops, transport links and facilities. Whilst this document identified the development site as to be considered for 'replacement/upgrade' it must be stressed that this is not an adopted planning document, and must therefore be given appropriate weight in this context. The applicants claim the inherent layout of the properties precludes refurbishment, and extension compromises the rear yard space unacceptably, with the limitations of the existing layout and structural implications making the option of creating two dwellings from three with internal alterations thwarting this option. This information interposes the supporting case for the demolition of the existing George Parkinson Memorial Homes.

If approved for demolition, it is reasonable to expect a proper record of the building be provided at the developer's expense, this being an item that can be conditioned.

Of course a large part of the justification for the removal of the historic buildings is the quality of the replacements, both in architectural terms and in the type and standard of accommodation that will be provided. The new scheme seeks to replicate the distinctive curved elevation of the existing structure. A service easement necessitates a break in the terrace with a 'no-build-zone' being used as an opportunity to better pedestrian permeability to the units proposed on the open space to the rear. A considered character assessment of the general vernacular of traditional Aged Miners homes has resulted in a design whose strong but restrained detailing reflects a good modern interpretation of this style and character of dwelling, which have the potential to make a positive contribution to the Conservation Area. The regeneration benefits for the site, identified in the supporting documentation include the provision of flexible modern dwellings, built to the abovementioned standards, with good access, community and transport links, The Regional Space Strategy, Development Principles and Locational Strategy is quoted as stating 'The Durham Coalfield Communities Housing Market Renewal Initiative identified the need for housing market restructuring to deal with the mismatch between the nature of supply and demand and high levels of obsolete housing in some communities, which are amongst the most deprived in the Region in terms of the index of Deprivation 2004. The programme

focuses on interventions to revitalise priority smaller coalfield settlements, where the need has been identified, to achieve sustainable communities linked to the physical regeneration of the housing stock’.

The principle of the use of the green-field space between the existing dwellings and the rear gardens of Liddle Ave must also be properly considered. Policy H3 of the Local Plan exceptionally allow the limited development of such sites, with stated thresholds in area and housing number, (the six dwellings proposed on the land meeting the criteria) where there are regeneration benefits, and those cannot be achieved through the development of brown-field land or the conversion of existing buildings. The regeneration benefits outlined above, and the proximity of the site to the central facilities of the village to the benefit of the proposed over 55 residents address this requirement. This area of the site must also be considered against policies E5a and R3, which seek to ensure proposed loss of open space would not prejudice the overall standard of such for outdoor recreation within the immediate area. Similarly, spaces which possess important functional, visual or environmental attributes which contribute to the settlement, or immediate locale’s character should not be lost. With a formal Village Green, presence of a nearby District Sports Centre and playing fields, and excellent links to the surrounding countryside on foot and by bicycle, Sherburn Village is well served in this respect, with the loss of the site acceptable, and the provision of specific alternative provision inappropriate. (Likewise given the social nature of the applicant and proposals provision for % for Art is felt appropriate waived).

Considered as a general housing scheme, as required by Policy Q8 of the Local Plan, and against the relevant Highways Policies (T1 and T10) the scheme achieves the required amenity standards and distances for new and existing residents, with provision made for access to the rear gardens of Liddle Ave to maintain existing rights, and an access is maintained to the rear of the commercial hot-food take-away located to the south of the site. The bungalow proposed nearest this unit is separated from it by two parking spaces to the benefit of the residential amenity of that property. Each new bungalow has an enclosed private rear yard, and parking provision.

CONCLUSION

This application by Durham Aged Miners Housing Association proposes development of a high quality, specialist bungalow accommodation for the over 55s on a site currently comprising open space and existing Aged Miners bungalows, whose demolition is proposed by a parallel application. Investment in a higher standard of social housing in the centre of the village is to be welcomed. Quality of development can be ensured by a comprehensive suite of conditions to ensure a development befitting its conservation area location, with restrictions on future alterations proposed to ensure the character intended from the uniformity of design is maintained. The proposed new development is whole-heartedly supported by officers as appropriate in its own right, and Members may agree, albeit with some regret, that the benefits of the proposed new units outweighs the loss of the characterful historic existing dwellings in this instance.

RECOMMENDATION

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

08/00948/FPA - Demolition of 12 no. existing dwellings and change of use of open space in association with erection of 16 no. two bedroom bungalows:

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 approved shall only be occupied by people over 55 years of age
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. 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.
5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
6. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas, including the access between the bungalows and the rear gardens of Liddle Ave, shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
7. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
8. Notwithstanding the information shown on the submitted plans the proposed windows shall be set a dimension to be agreed 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.
9. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, and (vii) guttering, shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
10. 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.
(Schedule: Bargeboards, Soffits, Eaves, Wooden support posts)

11. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
12. 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.
13. Notwithstanding the information shown on the submitted plans, full details of the proposed rainwater goods, to include a section, details of materials, hoppers and junctions, and existing sections to be retained, shall be submitted to, and approved in writing by the Local Planning Authority before development commences, being thereafter implemented to the satisfaction of the said Authority.
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 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.
15. 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 forward-most 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.
16. 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.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no satellite antenna shall be installed, altered or replaced on the dwelling-house(s) or within its/their curtilage(s) without the grant of further specific permission from the Local Planning Authority.

08/00949/CAC - Demolition of 12 no. existing dwellings in association with erection of 16 no. two bedroom bungalows

1. Prior to demolition a Historic Buildings Record shall be made of all of the buildings and associated structures of the George Parkinson Memorial Homes. This record shall be to Level 3 of Historic Building Recording Standards set out by English Heritage and shall be undertaken by a relevant professional – to be agreed in writing by the Local Planning Authority – in Consultation with a Local Authority Archaeologist.
2. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

3. Before demolition commences a written scheme for the safe and intact removal of the Stone Memorial Tablets and Dedication Plaques shall be submitted to, and approved in writing by the Local Planning Authority. Said scheme must include provision for the safe storage of the features and options for either its reuse in the replacement development scheme, or donation to an agreed Community group. The scheme must also include full details of a new plaque, of a size, material, location and specification to be agreed.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement and supporting documentation

Planning Policy Statements/Guidance, PPS1, PPS3, PPS13, PPG15, PPG17

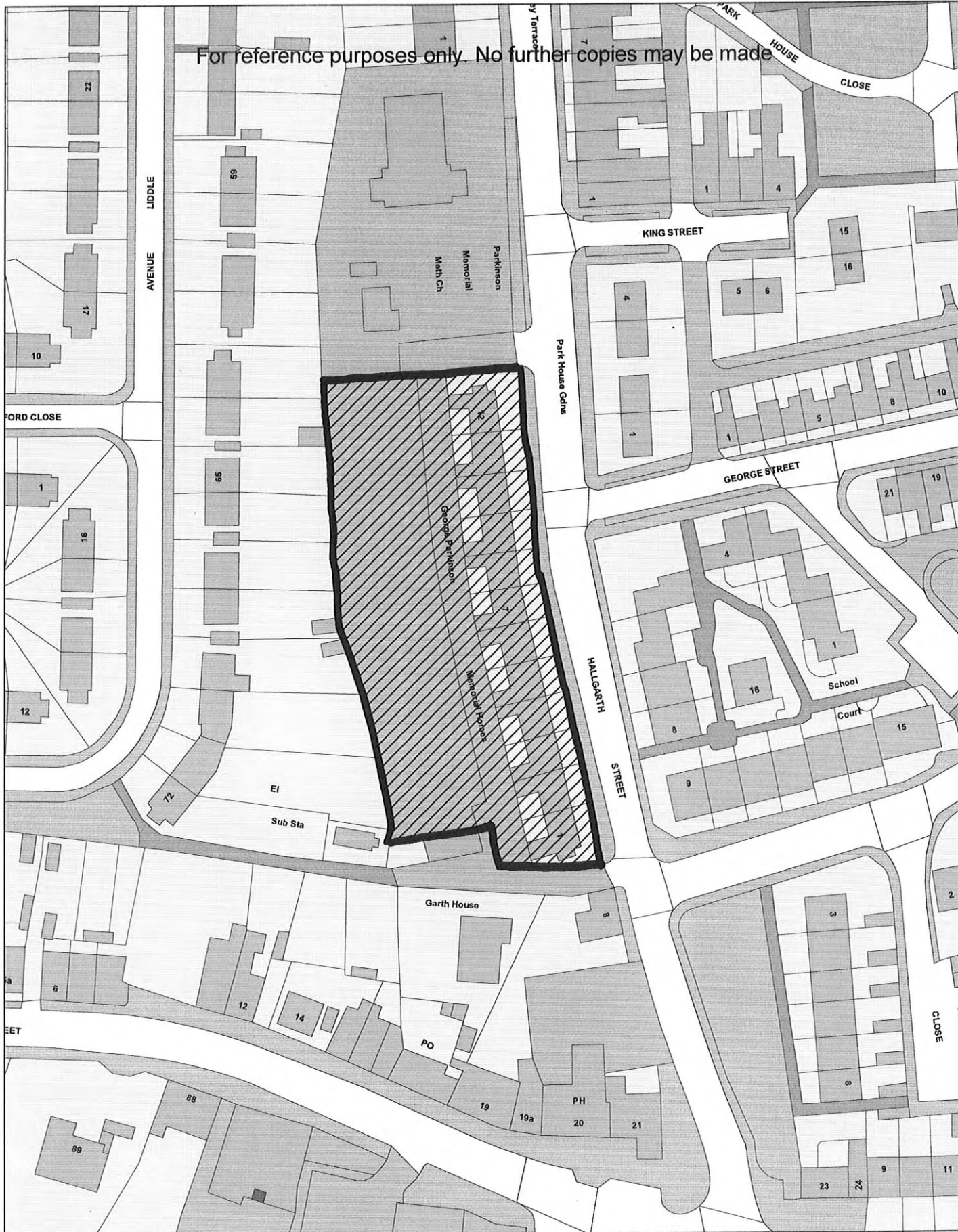
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

Response from County Highways

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00948/FPA + 4/08/00949/CAC

George Parkinson Memorial Homes, Sherburn Village

Comments

Date

09 January 2009

Scale

1:1000

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ITEM 3

08/00955/FPA	Playing Field Opposite Church Street, Quarrington Hill, Durham
Mr B Watts	Removal of existing play equipment and erection of replacement recreational area and play equipment

SITE AND APPLICATION DESCRIPTION

The application site lies to the west of the residential settlement of Quarrington Hill. Currently the site is a large recreational area (approximately 2.2 hectares) and is split into two distinct parts. The western part of the site contains a full size football pitch and an attached open grassed area. The western part of the site which is closest to Church Street contains three pieces of children’s play equipment which are old and somewhat outdated. The site is bounded by Church Street to the east and there is pedestrian access only from Church Street into the recreational area.

A supporting statement with the planning application states that the proposed scheme has been submitted following public consultation by Quarrington Hill Village Partnership. The layout of the recreational area is proposed to be retained with the new recreational equipment being sited to the west of the site. A wide range of equipment is proposed for children of all ages including a dedicated area for younger children. The existing use of the land is proposed to be retained as a recreation area with a football pitch. A new pedestrian access link is proposed which runs from Church Street in a semi circular layout round the recreational facilities.

RELEVANT HISTORY

There is no planning history on this site.

POLICIES

NATIONAL POLICIES

Planning Policy Statement 1, Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

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

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

Planning Policy Guidance 17 describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation.

Local planning authorities should furthermore take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest.

REGIONAL POLICY

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

LOCAL PLAN POLICIES

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

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

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

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

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

OTHER RELEVANT POLICIES/STRATEGIES

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

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

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority raises no objection to the application.

PUBLIC RESPONSES

Coxhoe and Quarrinton Hill Parish Council strongly support the application but consider the local residents views should be taken into consideration.

Eight letters of objection from a local resident on the following grounds:

- Too much play equipment is proposed and it is out of character with the area. The existing play area is well not used the proposed equipment is a waste of money.
- The play equipment will detract from the view from the adjacent housing – particularly the climbing frame which is 6.59 metres tall.
- There's an existing problem from anti-social behaviour from a group of youths and the new equipment and youth hut will make this bad situation worse.
- There has been no consultation with the local residents who are the most affected from the development on Church Street.
- It would have been useful to provide changing facilities for the football pitch which is used every weekend.

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 application site is an existing recreational facility in a rural area outside the settlement boundary, but immediately adjacent to the residential enclave of Quarrington Hill. The site area of approximately 2.2ha is a currently used for informal recreation and for football matches. The application is for the proposed retention and enhancement of these facilities. The football pitch to the east of the site is proposed to be retained. The proposed facilities are to serve the local community in Quarrington Hill and allow local children and residents the opportunity to walk to the facilities.

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

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

The application site relates to the replacement of the children's play equipment only. The proposal is for a range of facilities for children of a variety of age ranges from pre-school to facilities for teenagers. The enhancement of existing recreational facilities is considered to accord with Policy R3 of the Local Plan and be acceptable in principle.

To the east of the application site is a row of semi detached houses that front onto Church Street. All the play equipment is a minimum of 22 metres from the dwellings. The main concern of residents relates to the facilities provided for the older children and in particular the youth shelter and the matrix climbing frame which is 6.59 metres in height. Residents concern relate to the impact of the structures from the views from their properties. The climbing frame is positioned over 23 metres from the closest property and there are no material privacy or amenity implications with the structure. Whilst it is noted that views from the properties would be altered this is essentially of private interest, which the planning system is not designed to protect.

The concerns about the potential anti social behaviour from the provision of the youth shelter have been discussed with the agent. The proposed youth shelter is located about 22 metres

from the closest property. In response to residents concerns the agent is willing to accept a condition about the repositioning of the youth shelter at a minimum distance of 35 metres from the closest property. This is conditioned accordingly.

The local residents comments about the provision of changing facilities is noted and was passed on to the agent. Unfortunately the available funding is only for the provision of the play equipment and there was no opportunity to provide new changing facilities.

In conclusion the application is considered to protect and enhance the existing recreational facilities in Quarrington Hill. The proposed new recreational facilities have been proposed following close consultation with local residents. The siting and design of the recreational area retains the existing football pitch and also provides a variety of equipment for toddlers and older children. An additional semi-circular footpath is proposed to improve the facilities for all users. These local facilities for the Quarrington Hill area are considered to enhance the existing recreational facilities in the local area.

RECOMMENDATION

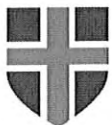
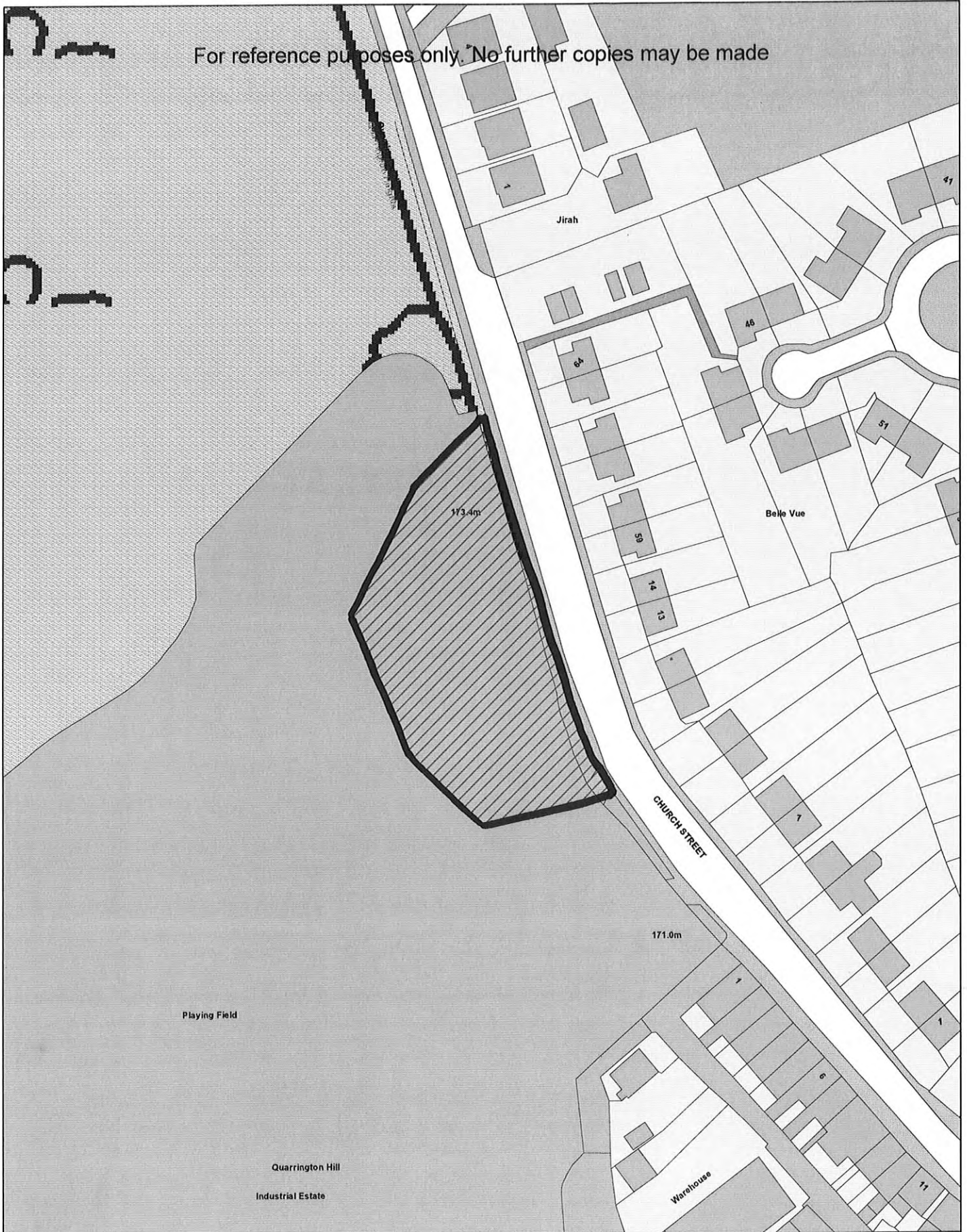
That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the details on the submitted plan this consent shall not relate to the location of the youth shelter. Before the development commences an amended location of the youth shelter which shall be a minimum of 35 metres from the closest dwelling shall be submitted to the Local Planning Authority and approved in writing. The youth shelter shall then be implemented in accordance with the approved details.

BACKGROUND PAPERS

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

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00955/FPA

Playing Field Opposite Church Street,
Quarrington Hill

Comments

Date

09 January 2009

Scale

1:1000

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ITEM 4

08/00969/FPA Barry Martin And Associates	Land Surrounding Cornforth Moor Farm And Between A1 And A688, Tursdale, Bowburn Change of use of land to equestrian stud farm and racing stables, including erection of 12 bay stable block, formation of all weather exercise ring enclosed by 1.3m high fencing, subdivision of fields to form paddocks, siting of 7 no. field shelters and associated parking provision and landscaping
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SITE AND APPLICATION DESCRIPTION

The application site relates to an area of agricultural fields of some 10.12ha and which is situated between the A1(M) and the A688, and which surrounds Cornforth Moor Farm and its associated dwelling and farm buildings. Access to the site is provided by an existing access road off the A688 which serves Cornforth Moor Farm. A public right of way runs along the northern edge of the application site as it heads towards the footbridge slightly north of the application site and which passes over the A1(M). The site is not allocated in the Local Plan for development, and being outside of any settlement, is for planning purposes, located in open countryside.

Planning permission is sought to develop the land to form an equestrian stud farm and race horse training facility, which would involve the erection of a 12 bay stable block with associated tack room, office and store, the use of the existing farmhouse to provide residential accommodation for the facility manager, the erection of a training ring, and associated works involving the formation of a parking area for cars and horse boxes, landscaping and the subdivision of fields to form paddocks. Access to the site would be provided using the existing farm access from the A688 and the former Tursdale Road.

Additionally, this application is one of three applications currently being considered for the development of equestrian facilities at Tursdale, which includes land on the opposite side of the A688 being used temporarily for the grazing of horses (08/00977), and an application on land north of this site for the development of an equestrian riding school (08/00970). The application is supported by various documents which include: Design and Access Statement; Business Plan; Biodiversity Report; Flood Risk Assessment; Traffic Impact Assessment; and, Landscape and Visual Assessment.

RELEVANT HISTORY

A planning application (08/00477) which included the land forming part of the application site and which proposed its use as a golf academy was withdrawn in summer 2008, after Officers advised the applicants of significant highway safety concerns.

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

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

Planning Policy Guidance note 13, Transport 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 17, Planning for Open Space, Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

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

REGIONAL POLICY

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy 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. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

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

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 T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

Policy R8 (New Recreation Facilities) states that the location of new recreation facilities will be dependant upon the need to ensure its appearance and use is not detrimental to the character and appearance of the area; it is accessible and satisfactory car parking can be provided.

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; lead to the irreversible loss of the best and most versatile agricultural land; result in congestion on the local road network and be inaccessible by public transport, cyclists and pedestrians.

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 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 to allow proper supervision.

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

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

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

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 considers that the level of traffic generated by the scheme would be relatively low and unlikely to coincide with peak periods of traffic using the A688. However the A688 is a major road with fast moving traffic and which has a poor safety record, and as such they require the improvement of the junction with the A688 involving the formation of a protected right turn, and for which a section 278 Highway Agreement would be necessary. No objections are raised otherwise.

The Environment Agency raises no objection and offer standing advice in relation to flood risk and foul drainage.

Natural England had initially advised that they need not have been consulted, however, having been provided with additional information, they have not, at the time of writing, provided a further response.

The County Rights of Way Officer has raised no objection to the proposals.

PUBLIC RESPONSES

There have been four individual letters of objection to the application. A Mr T Dunn of Ponteland, who's interest in the application is not specified, is concerned that the proposal would generate a volume of slow moving traffic thereby creating a problem for existing traffic flows, whilst Youngs Chartered Surveyors acting on behalf of an adjacent landowner are concerned that access to the A688 will be dangerous and that the proposed use of the land is inappropriate in respect of surrounding land.

White Young Green acting on behalf of Durham, Green Business Park Limited, considers that the proposals are deficient by not including the site access from the A688 within the application site, and that there are insufficient links with the wider bridleway network. In addition, they are concerned that the use and access arrangements would prejudice the Local Plan designation for the development of a prestige business park on land to the north of this site and for a longer term rail freight terminal use.

Finally, the City of Durham Trust has commented on the application, seeking to ensure that the buildings do not have a 'tacky' appearance and that horsebox traffic can be safely accommodated on the busy Tursdale Road.

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 relate to the principle of introducing an equestrian facility to the site, whether suitable residential accommodation exists for supervision, together with the implications for visual amenity, highway safety, footpath users and protected species.

Policy R16 permits new equestrian facilities in the countryside, where they meet a number of criteria, which include: that the number of stables proposed and the number of horses to be grazed relates to the amount of grazing land available; that other types of commercial establishments should either be close to bridleways or permissive paths or make provision within the scheme to adequately exercise horses; that new facilities are of an appropriate scale, and, where possible, situated next to existing buildings, and do not detract from the landscape; and, that new commercial establishments are sufficiently close to existing residential accommodation to allow proper supervision at all times.

In the interests of completeness, brief consideration of each will follow. The British Horse Society advises that between 0.6 and 0.8ha can provide adequate summer pasture for a single horse, but any less than 0.4ha will be inadequate, while in this case, at 10.12ha total, twelve horses stabled would provide around 0.84 ha per horse which would be sufficient for grazing purposes. A condition could be imposed to limit the number of horses to be accommodated on the land in any case.

Turning now to the ability to exercise horses outwith the application site, there are no bridleways or other permissive paths directly related to the application site which would allow horses to be exercised other than within the site. However, the nature of the proposed use as a stud farm and race horse training is such that a specific exercise track would be provided and which would, it is considered, provide sufficient opportunity for exercising horses within the site that there would be no additional need for bridleway use. The proposed stable block would be sited in close proximity to existing buildings so as to minimise its visual impact, while additional hedgerow planting alongside the A1(M) would assist in screening the new building. The existing vegetation alongside the A688 would assist in screening much of the subdivision of fields to form paddocks, the field shelters within them and the enclosures necessary to form the training ring. The proposals would accord with Policy R16 in this regard.

Policy R16 requires that new commercial equestrian facilities are located sufficiently close to *existing* residential accommodation to allow proper supervision at all times, and in this case, Cornforth Moor Farmhouse itself is within the application site and would be some 40m from the stable block, which would, it is considered, be sufficiently close to allow proper supervision at all times. The applicants have advised that they would accept a planning condition which would limit occupancy of the dwelling to persons employed full-time in connection with the proposed facility, and were this to require the applicants to enter into a planning obligation, this would ensure in perpetuity that the horses were supervised by an employee rather than an independent occupier with no interest in the business.

In terms of highway safety, the County Highway Authority are satisfied that traffic volumes would be low and that subject to an agreement for off-site works to introduce a no right turn at the junction with the A688, that there would be no detriment to highway safety, particularly, as associated vehicle movements would not be at peak times. Consequently, there is no conflict with Policy T1.

A public right of way passes through the northern ends of the application site, and users of the footpath will be required to cross the training ring at both the eastern and western edges of the site, however, this would be for a distance of around 10m in each case, and such would be the visibility of the use of the training ring, that users of the footpath would not be unduly affected, and indeed the County Rights of Way Officer has raised no objection to the scheme, and it would accord with Policies T21 and R11 in this regard.

In terms of protected species, there are no hedgerows to be removed, thereby safeguarding nesting birds, whilst additional tree and hedgerow planting will increase habitat opportunities, while identified badger setts are located well away from the application site. However, on land to the west of the A688 is a County Wildlife Site, Turdale West Ponds occupied by Great Crested Newts and Smooth Newts. Being on the opposite side of the road and not forming part of the site, it is understood that there should be no adverse effect on the wildlife site.

Around 100m from the wildlife site and in the south western corner of the application site is an area of seasonal ponds. The Biodiversity Report submitted in support of the application specifies that the optimum survey period is between mid March and 1st June. Surveys of the ponds were undertaken in early July, some four weeks later than is optimum. No Great Crested Newts or larvae were found but one adult smooth newt and a number of smooth/palmate larvae were found, and the report concludes therefore that Great Crested Newts could be present in low population at the site. Therefore, it is likely that protected species exist in part of the site where at present grazing livestock could access the area and cause harm to the habitat and species within them. In view of the conclusions of the Biodiversity Report, a separate Supplementary Great Crested Newt Report has been submitted.

The report details mitigation measures to deal with the identified presence of protected species, and this includes: work to be timed when newts are in hibernation (November to March); two artificial hibernacula will be created in the fields containing the ponds; and, the area will be fenced off so as not to allow livestock to enter the identified area. PPS9 advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed.

It is considered that although undertaken slightly late in the season, a cautious approach based on both desk top study and site investigation has concluded that the site would be a low population habitat for Great Crested Newts, that there would be an improvement to the habitat through the mitigation, and in particular that the currently unrestricted movements of livestock within the habitat area would be restricted by enclosing the land. Although Natural

England has not formally commented on the proposals, it is considered nonetheless that all material considerations have been addressed in this regard, and subject to appropriate planning conditions, Policy E16 and PPS9 are considered to be satisfied.

CONCLUSION

The proposed equestrian stud farm and race horse training is considered to be an appropriate land use, where existing residential accommodation will enable proper supervision, whilst there will be no adverse affects upon visual amenity, highway safety, footpath users or protected species, and 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 and the details agreed through the conditions of this planning permission.
3. No development shall commence until a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation shall restrict the occupancy of Cornforth Moor Farmhouse to a person or persons employed on a full-time basis in connection with the equestrian stud farm and race horse training facility.
4. No more than twelve horses shall be accommodated at the facility at any one time.
5. No development shall take place until an agreed position of fencing to enclose the area identified as being habitat to Great Crested Newts has been submitted to and agreed in writing with the Local Planning Authority and thereafter implemented and retained in accordance with the approved scheme.
6. No development shall take place unless in accordance with the mitigation detailed within section E of the '*Proposed Equestrian Centre at land Adjacent Cornforth Moor Farm, Bowburn, County Durham, Supplementary Great Crested Newt Report, November 2008, Richards Moorhead and Laing Limited*', including, but not restricted to adherence to timing and spatial restrictions, and adherence to precautionary working methods.
7. 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.
8. Before the development hereby approved is brought into use, the off site improvement of the A688 to introduce a protected right turn within the carriageway at its junction with Tursdale Road leading to the site, shall be carried out and retained in complete accordance with details to be submitted to the County Highway Authority and Local Planning Authority.

9. 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.

10. Notwithstanding the information shown on Drawing No. 2875/102 (Landscape Plan) 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.

11. 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.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Business Plan

Biodiversity Report

Supplementary Great Crested Newt Report

Flood Risk Assessment

Traffic Impact Assessment

Landscape and Visual Assessment

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

Planning Policy Guidance Notes: PPG13 and PPG17

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

City of Durham Local Plan 2004

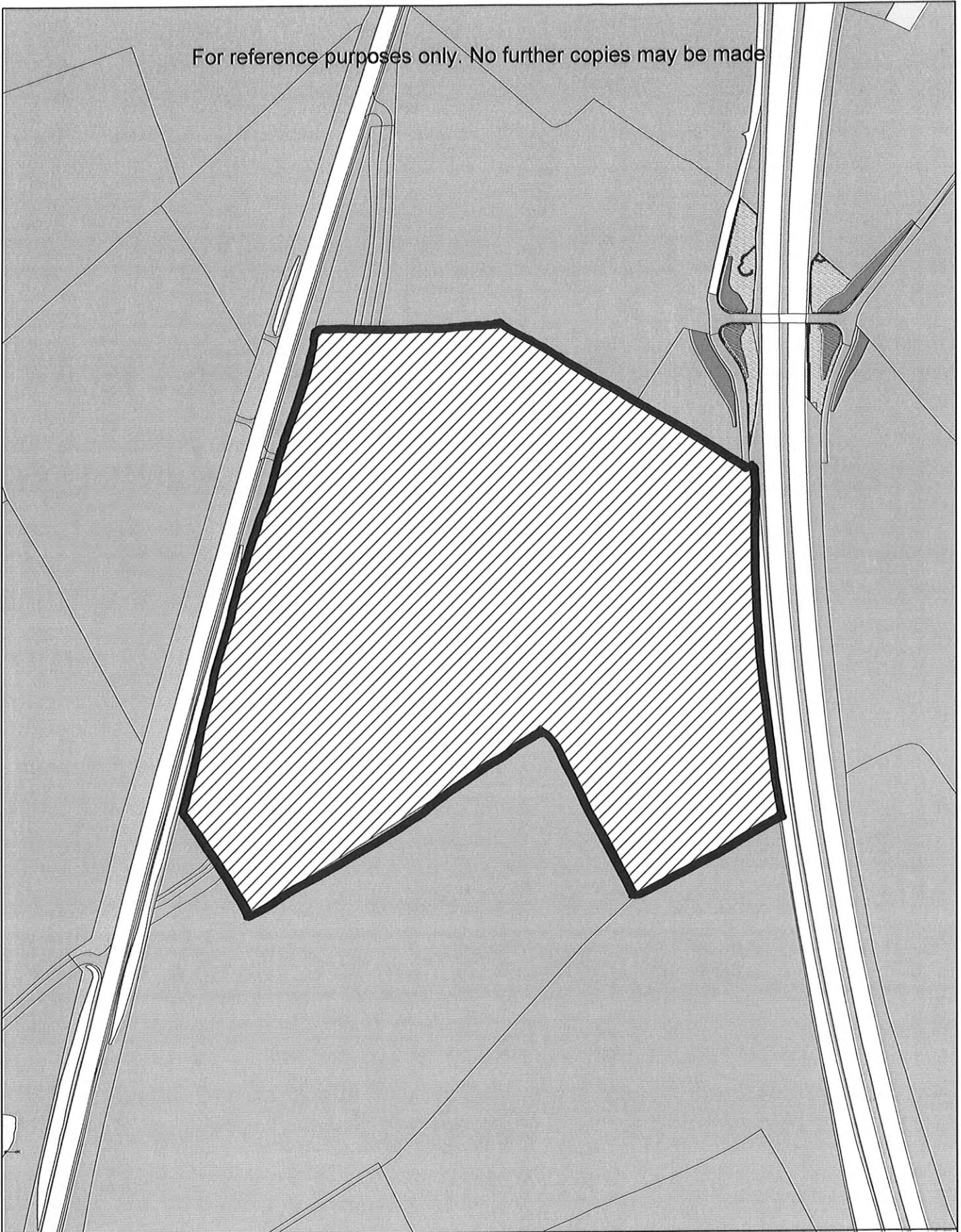
Circular 11/95: Use of conditions in planning permission

Internal response from Development Plans Section, Environmental Health Section and Heritage and Design Section

Responses from County Highway Authority, Natural England, Environment Agency, and County Rights of Way Officer

Public Consultation Responses

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/00969/FPA

Land Surrounding Cornforth Moor Farm And
Between A1 And A688

Comments

Date

09 January 2009

Scale

1:3172

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ITEM 5

08/00970/FPA	Land Between A1(M) And A688 Cornforth Moor, Tursdale, Bowburn, Durham
Barry Martin And Associates	Change of use of land to equestrian riding school including erection of log cabin for residential occupation by facility manager, erection of 8 bay stable block with tack room, managers office and hay store together with associated parking provision and landscaping

SITE AND APPLICATION DESCRIPTION

The application site relates to an area of agricultural fields of some 6.5ha and which is situated between the A1(M) and the A688 immediately south of Durham Services, and also extends slightly to the south of the foot bridge over the A1(M). Access to the site is provided by an existing access road off the A688 which serves Cornforth Moor Farm. An access track, designated as a public right of way runs along the northern and western boundaries of the site and then over the A1(M), and a further public right of way runs partially along the southern boundary of the site again to reach the bridge over the A1(M). The site as whole contains a number of trees and hedgerows, and is relatively flat with the exception of the embankment forming the motorway bridge. The site is not allocated in the Local Plan for development, and being outside of any settlement, is for planning purposes, located in open countryside.

Planning permission is sought to develop the land to form an equestrian riding school, which would involve the erection of an 8 bay stable block with associated tack room, office and store, the erection of a log cabin to provide residential accommodation for the facility manager, and associated works involving the formation of a parking area for cars and horse boxes, landscaping and the subdivision of fields to form paddocks. A new access track would be formed directly off the existing farm access which is the former Tursdale Road. Additionally, this application is one of three applications currently being considered for the development of equestrian facilities at Tursdale, which includes land on the opposite side of the A688 being used temporarily for the grazing of horses (08/00977), and an application on land south of this site for the development of an equestrian stud and racing facility (08/00969). The application is supported by various documents which include: Design and Access Statement; Business Plan; Biodiversity Report; Flood Risk Assessment; Traffic Impact Assessment; and, Landscape and Visual Assessment.

RELEVANT HISTORY

A planning application (08/00456/FPA) which included the land forming part of the application site and which proposed its use as a golf driving range was withdrawn in summer 2008, after Officers advised the applicants of significant highway safety concerns.

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

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

Planning Policy Guidance Note 13, Transport 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 17, Planning for Open Space, Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space with recreational value.

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

REGIONAL POLICY

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

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Policy T21 (Safeguarding the Needs of Walkers) states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

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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; lead to the irreversible loss of the best and most versatile agricultural land; result in congestion on the local road network and be inaccessible by public transport, cyclists and pedestrians.

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

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

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

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RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority considers that the level of traffic generated by the scheme would be relatively low and unlikely to coincide with peak periods of traffic using the A688. However the A688 is a major road with fast moving traffic and which has a poor safety record, and as such they require the improvement of the junction with the A688 involving the formation of a protected right turn, and for which a section 278 Highway Agreement would be necessary. No objections are raised otherwise.

The Environment Agency raises no objection subject to a condition in relation to surface water drainage.

Natural England had initially advised that they need not have been consulted, however, having been provided with additional information, they have not, at the time of writing, provided a further response.

The County Ecologist has advised that the application site is sufficiently far from areas of known protected species that a specific survey is not required, despite one being provided in support of the application.

The County Rights of Way Officer has raised no objection to the proposals.

PUBLIC RESPONSES

There have been four individual letters of objection to the application. A Mr T Dunn of Ponteland, who's interest in the application is not specified, is concerned that the proposal would generate high levels of traffic on an already busy road, whilst Youngs Chartered Surveyors acting on behalf of an adjacent landowner are concerned that access to the A688 will be dangerous and that the proposed use of the land is inappropriate in respect of surrounding land.

White Young Green acting on behalf of Durham, Green Business Park Limited, considers that insufficient justification is provided for the proposed residential accommodation, that the new buildings are not sited appropriately in relation to existing buildings, and that there are insufficient links with the wider bridleway network. In addition, they are concerned that the use and access arrangements would prejudice the Local Plan designation for the development of a prestige business park on land to the north of this site and for a longer term rail freight terminal use.

Finally, the City of Durham Trust has commented on the application, seeking to ensure that the buildings do not have a 'tacky' appearance and that horsebox traffic can be safely accommodated on the busy Tursdale Road.

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 relate to the principle of introducing equestrian facility to the site, whether special justification exists to support the introduction of residential accommodation, together with the implications for visual amenity, highway safety, footpath users and protected species.

Policy R16 permits new equestrian facilities in the countryside, where they meet a number of criteria, which include: that the number of stables proposed and the number of horses to be grazed relates to the amount of grazing land available; that other types of commercial establishments should either be close to bridleways or permissive paths or make provision within the scheme to adequately exercise horses; that new facilities are of an appropriate scale, and, where possible, situated next to existing buildings, and do not detract from the landscape; and, that new commercial establishments are sufficiently close to existing residential accommodation to allow proper supervision at all times.

In the interests of completeness, brief consideration of each will follow. The British Horse Society advises that between 0.6 and 0.8ha can provide adequate summer pasture for a single horse, but any less than 0.4ha will be inadequate, while in this case, at 6.5ha total, eight horses stabled would provide around 0.81 ha per horse which would be sufficient for grazing purposes. A condition could be imposed to limit the number of horses to be accommodated on the land in any case.

Turning now to the ability to exercise horses outwith the application site, there are no bridleways or other permissive paths directly related to the application site which would allow horses to be exercised other than within the site. This would be contrary to Policy R16 in this regard.

In terms of the siting of the proposed stable block, it would be positioned in close proximity to the embankment forming part of the footbridge and public right of way over the A1(M), whilst it is sufficiently far from the A688 that existing vegetation would screen the buildings, the parking area and indeed the proposed landscaping will ensure that the subdivision of field would have little visual impact.

Policy R16 requires that new commercial equestrian facilities are located sufficiently close to *existing* residential accommodation to allow proper supervision at all times. The application site itself does not benefit from an existing dwelling to allow such supervision, in conflict with Policy R16; however, the applicants are proposing the erection of residential accommodation by way of a log cabin for occupation by the facility manager. New dwellings in the countryside are strictly controlled, and in terms of the Local Plan, Policy H5 only permits new dwellings in the countryside where they are required for occupation by persons employed in agriculture or forestry, and as such the proposed use would not fulfil such occupation requirements.

PPS7 which post-dates the Local Plan, does, at Annex A, advise that new isolated residential accommodation associated with other rural-based enterprises can be permitted with special justification, and in view of the temporary nature of the form of accommodation proposed, this would involve an application demonstrating: clear evidence of a firm intention and ability to develop the enterprise concerned; clear evidence that the proposed enterprise has been planned on a sound financial basis; functional need – whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and, that the functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable for occupation.

To address these issues, the applicants have provided a limited business plan, which states that some £177,000 would be invested in the site. Whilst this would seem to represent significant investments, there is no evidence to support the applicants' actual ability or experience in developing such a business. In addition, it is not clear that the business is planned on a sound financial basis. The application proposes a log cabin for occupation by a facility manager but there is no mention of the costs associated with the facility manager within the business plan with reference only to provision for a 'stable lad' on a low wage and other part time employees. This would significantly undermine the profitability of the establishment.

Turning now to functional need, there is no evidence provided by the applicants which identifies the need for one or more workers to be readily available in case animals require essential care at short notice. Concurrently to this application, planning permission is being sought on land immediately adjoining the application site, for a further separate equestrian facility by the same applicants, and where an existing residential dwelling, which would be some 40m from the proposed stable block, would be sited. This existing dwelling forms part of an agricultural unit of which both applications form a part and it is the applicants' decision to split the existing unit into two. There is therefore an existing dwelling on the application site which could clearly provide accommodation to enable supervision of the horses on the land. Moreover, there is a range of existing residential accommodation within 1km of the site which is suitable and available for occupation by workers at the proposed facility. The applicants have therefore failed to both demonstrate a functional need for the accommodation, while there is a dwelling on the existing planning unit which could provide suitable accommodation, as could a range of accommodation within 1km of the site.

In terms of highway safety, the County Highway Authority are satisfied that traffic volumes would be low and that subject to an agreement for off-site works to introduce a no right turn at the junction with the A688, that there would be no detriment to highway safety, particularly, as associated vehicle movements would not be at peak times. Consequently, there is no conflict with Policy T1. A public right of way bounds the northern and eastern sides of the site, and appropriate fencing could ensure that the needs of walkers would be safeguarded in

accordance with Policies T21 and R11. A further footpath would cross the south-western corner of the site, however, no development would take place specifically, and no diversion would be required, again safeguarding footpath users.

Finally, in terms of protected species, no response to the submitted biodiversity report has been provided from Natural England; however, the County Ecologist considers that such is the distance from any identified protected species that no survey is even required. No hedgerows would be removed either and as such, the interests of flora and fauna would be protected, and indeed enhanced through additional hedgerow planting, and as such the proposals are in accordance with Policies E16 and R16 as well as Planning Policy Statement 9.

CONCLUSION

In conclusion, whilst highway safety, footpath users, protected species and visual amenity would be safeguarded, the proposed development is unacceptable by virtue of a lack of existing residential accommodation to supervise such a facility, and where insufficient justification has been provided to support the proposed residential accommodation. Additionally, there are insufficient opportunities in the area for exercising the horses off-site. Accordingly I am unable to support the application.

RECOMMENDATION

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

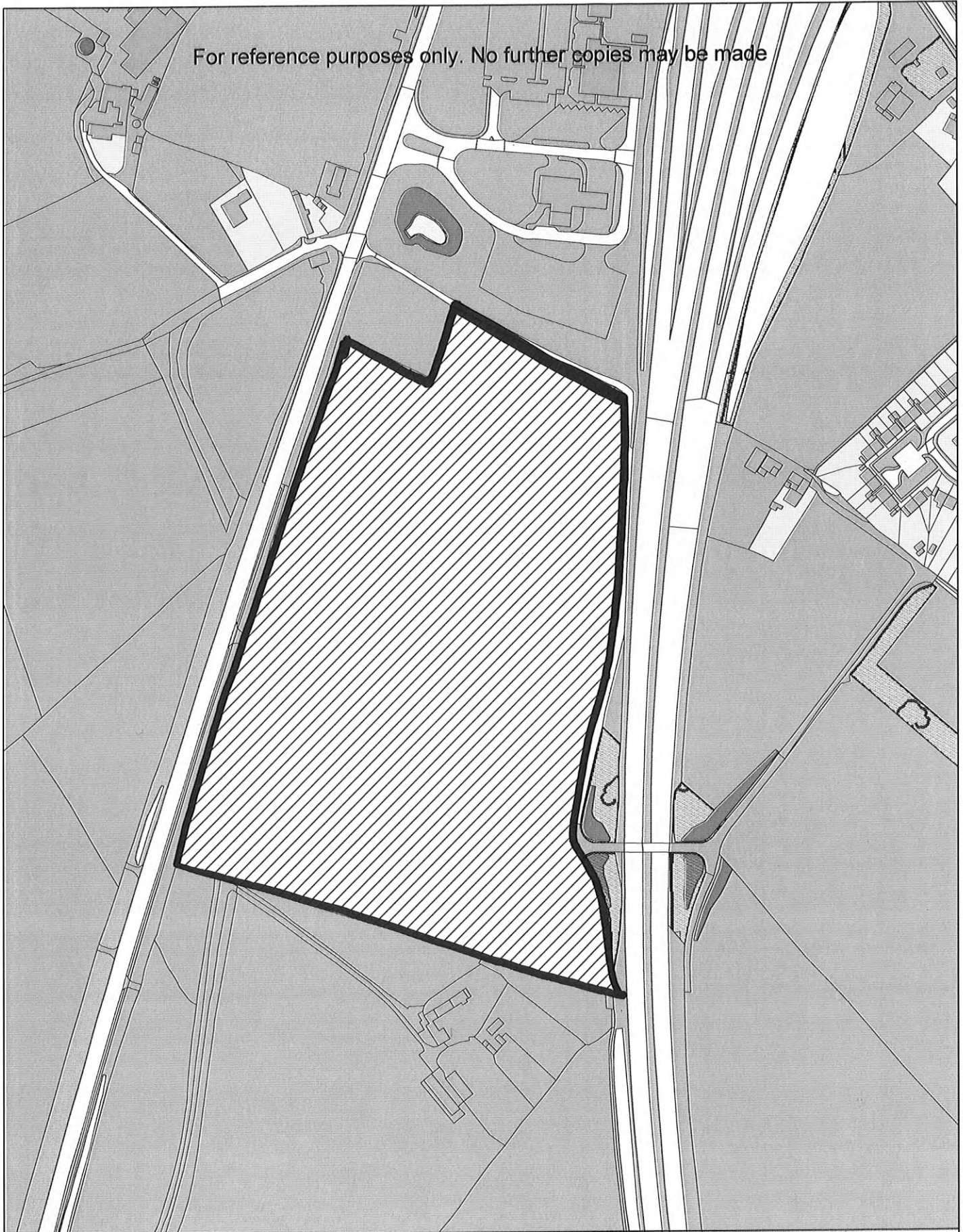
1. The Local Planning Authority considers that the proposed equestrian facility would not be located sufficiently close to existing residential accommodation to allow proper supervision at all times, and is therefore contrary to Policy R16 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the proposed log cabin to provide accommodation for the equestrian facility manager would represent new residential accommodation in open countryside and without adequate justification in terms of sound financial planning, the lack of a functional need and where suitable accommodation is available both on the existing planning unit and within 1km of the site. Consequently, it is considered that the proposals are contrary to Planning Policy Statement 7: Sustainable Development in Rural Areas and Policies E7 and R16 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the proposed equestrian facility would not be located close to bridleways or other permissive paths to enable horses to be exercised off site, contrary to Policy R16 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Business Plan
Biodiversity Report
Flood Risk Assessment
Traffic Impact Assessment
Landscape and Visual Assessment
Planning Policy Statements: PPS1, PPS4, PPS7, PPS9 and PPS25
Planning Policy Guidance Notes: PPG13 and PPG17

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 response from Development Plans Section, Environmental Health Section and
Heritage and Design Section
Responses from County Highway Authority, Natural England, Environment Agency, County
Ecologist and County Rights of Way Officer
Public Consultation Responses

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City of
Durham

Planning Services

Application No. 4/08/00970/FPA

Land Between A1(M) And A688, Cornforth Moor

Comments

Date

09 January 2009

Scale

1:3172

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ITEM 6

08/00977/FPA Barry Martin Associates	Land To West Of A688 Cornforth Moor, Tursdale, Bowburn Change of use of land for temporary period of 3 years for grazing of 8 no. horses including subdivision by 1.3m high fencing and siting of 4 no. field shelters
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SITE AND APPLICATION DESCRIPTION

Additionally, this application is one of three applications currently being considered for the development of equestrian facilities at Tursdale, which includes land on the opposite side of the A688 to the south of Bowburn Services being used for the development of an equestrian riding school (08/00970), and land surrounding Cornforth Moor Farm itself, again on the opposite side of the A688, and where planning permission is sought for the development of an equestrian stud farm and race horse training facility (08/00969). The application is supported by various documents which include: Design and Access Statement; Business Plan; Biodiversity Report; Flood Risk Assessment; Traffic Impact Assessment; and, Landscape and Visual Assessment.

The application site relates to a triangular parcel of land extending to some 4.3ha and which is screened from the A688 by a dense semi-mature tree belt, and with access provided through an existing farm gate. For planning purposes the site lies in open countryside, however, it is allocated in the Local Plan as forming part of an allocation for a rail freight terminal, linked to an adjacent allocation for the development of a prestige industrial and business estate.

Planning permission is sought to for a temporary period of three years to use the land for the grazing of 8 no. horses, involving the subdivision of the fields to form paddocks and the siting of field shelters.

RELEVANT HISTORY

A planning application (08/00456/FPA) which included the land forming part of the application site and which proposed its use as a golf practice linked to a proposed golf driving range on the eastern side of the A688 was withdrawn. Officers had expressed concerns in relation to the long-term rail freight aspiration for the site and also issues of highway safety.

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

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

Planning Policy Guidance Note 13, Transport 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 17, Planning for Open Space, Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

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

REGIONAL POLICY

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 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 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 advocated at Policies 4 and 6, respectively.

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.

Policy 57 (Sustainable Freight Distribution) seeks to promote the efficient local delivery of freight by reallocating road space to freight uses, and central to this is the long term potential for the provision of a rail-freight Interchange at Tursdale, Durham.

LOCAL PLAN POLICIES

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy 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. The nature conservation value of the district will be enhanced through the creation and management of new wildlife habitats and nature conservation features in new development schemes.

Policy EMP7 (Prestige Industrial Development/Rail Freight Terminal, Tursdale) seeks to allocate some 136 hectares of land either side of the Leamside Railway line for the development of a rail freight terminal, and that no uses, other than those requiring a rail link will be permitted.

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 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 to allow proper supervision.

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 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.

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 Environment Agency has advised that this application is of low environmental risk, and raise no objection.

The County Highway Authority raises no objection to the application subject to the two existing site accesses being reinstated and a small area of hardstanding being provided within the site for the manoeuvring of vehicles.

Natural England were consulted but advised that they need not have been in this instance.

PUBLIC RESPONSES

There have been four individual letters of objection to the application. A Mr T Dunn of Ponteland, who's interest in the application is not specified, is concerned that the access and egress of horse boxes and owners vehicles will be problematic, whilst Youngs Chartered Surveyors acting on behalf of an adjacent landowner are concerned that access to the A688 will be dangerous and that the proposed use of the land is inappropriate in respect of surrounding land.

Two letters of objection have been received from White Young Green acting on behalf of Durham, Green Business Park Limited, and where firstly, they consider that the proposals do not accord with the development plan, citing a number of policies but not explaining the conflict with such, and a second more detailed letter, which expresses concern in relation to the sites lack of connectivity with the wider bridleway network, potentially requiring horses and riders to cross the A688. In addition, they are concerned that the use and access arrangements would prejudice the Local Plan designation for the development of a prestige business park on land to the north of this site and for a longer term rail freight terminal use.

Finally, the City of Durham Trust has commented on the application, seeking to ensure that horsebox traffic can be safely accommodated on the busy Tursdale Road.

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 relate to the principle of the use of the land for the grazing of horses in terms of the impact upon visual amenity, whether there would be conflict with long-term local and regional aspirations for the use of the site, and finally whether there be any detrimental impact upon highway safety.

Firstly, the application site currently comprises agricultural fields, where, without the need for planning permission, sheep and cows could be grazed on the land in itself entirety, together with associated visits by farmers to the site to feed or move stock. Planning permission is required to graze horses as this would not fall within the definition of agriculture. However, the existing and proposed uses are not significantly materially different, other than the proposals involve some subdivision of the land to form paddocks together with the siting of a number of field shelters. The principle of use of the land for the grazing of horses as opposed to cows, for example, is considered acceptable. The Local Plan does not have a specific policy for the use of land for the grazing of horses, but refers to equestrian facilities at Policy R16, where horses would be stabled, which is not the case with the current application. In any event, sufficient land is available in relation to the number of horses to be grazed in line with current British Horse Society recommendations, enabling horses to be adequately exercised, contrary to the opinions expressed by an objector.

However, it is acknowledged that the site forms part of some 136 hectares of land reserved for further development of a rail freight facility beyond the current Plan period of beyond 2006 (now 2010 as saved under the Planning and Compulsory Purchase Act 2004). Policy EMP7 advises that within the reserved area, planning permission will only be granted for employment uses which require a direct rail link or proximity to the rail terminal. Clearly, the grazing of horses conflicts with this aspiration. More recently, the Regional Spatial Strategy (RSS) for the North East was published and which now forms part of the Development Plan for the District, continues to recognise the aspiration of a rail freight terminal at the application site and on the land surrounding it, recognising in the pre-text to Policy 57 that there remains a case to be made for the potential provision, in the long term, but there would need to be justification in terms of potential demand. The RSS suggests that the proposals are very long-term in nature, certainly beyond the three year temporary period for which planning permission is sought in this instance. Therefore, whilst representing a minor departure from the Local Plan, the use of the land not being rail freight related, would not, it is considered, prejudice the implementation of the Development Plan as a whole or indeed the longer term aspiration for a rail freight terminal at Tursdale. Having regard to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, referral to the Government Office for the North East would not be required in this case.

Furthermore, whilst an objector refers to potential conflict with the Durham Green Business Park and that outline planning permission has been granted and which would include a new roundabout and site access connection with the A688, no part of the application site is required in connection with this proposal, and as such, it is considered that the proposed development, temporary or not, would not prejudice the implementation of an extant planning permission for the use of the adjoining land.

In visual terms the proposals would involve the subdivision of the southern of the two existing fields into three, using post and rail fencing together with additional tree planting. The field shelters themselves would be on skids to enable them to move around the fields, and by virtue of the extent of existing screening along the highway verge, there will be a very limited visual impact, and the proposals would accord with Policies E7, Q1, Q2 and Q5.

In terms of highway safety, the County Highway Authority acknowledges that the site is served by two existing but overgrown accesses onto the A688, and that subject to these accesses being reinstated fully, together with a hardstanding being provided within the site to enable the safe manoeuvring of vehicles, they have no objection to the scheme, and as such the proposals accord with Policy T1.

Finally, in regards to the impact on protected species, whilst to the south of the site is a pond inhabited by great crested newts, the proposed use would not have any additional impact over and above the existing use of the site, and as such the proposals are considered to accord with Policy E16.

CONCLUSION

In conclusion, the temporary use of the land for the grazing of horses will neither prejudice the long term aspiration to develop the site for a rail freight terminal or be to the detriment of visual amenity, Highway safety or species especially protected in law, and approval is therefore recommended subject to appropriate conditions having regard to Circular 11/95: Use of conditions in planning permission.

RECOMMENDATION

1. This permission is given for a limited period of 3 years from the date hereof expiring on 22 January 2012 when the use hereby permitted shall be discontinued, and the buildings/works carried out under the permission removed and the land reinstated in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
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. No horses shall be brought onto the site other than by horse box, and shall not in any other way cross the A688.
4. No more than eight horses shall be grazed on the land at any one time.
5. No development shall be commenced until details of the reinstatement of the site accesses and the provision of permeable hardstandings for vehicle manoeuvring have been submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented and retained in accordance with the agreed scheme.
6. No development shall commence until details of zones within which the field shelters shall be moved have been submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented and retained in accordance with the agreed scheme.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Biodiversity Report

Flood Risk Assessment

Traffic Impact Assessment

Landscape and Visual Assessment

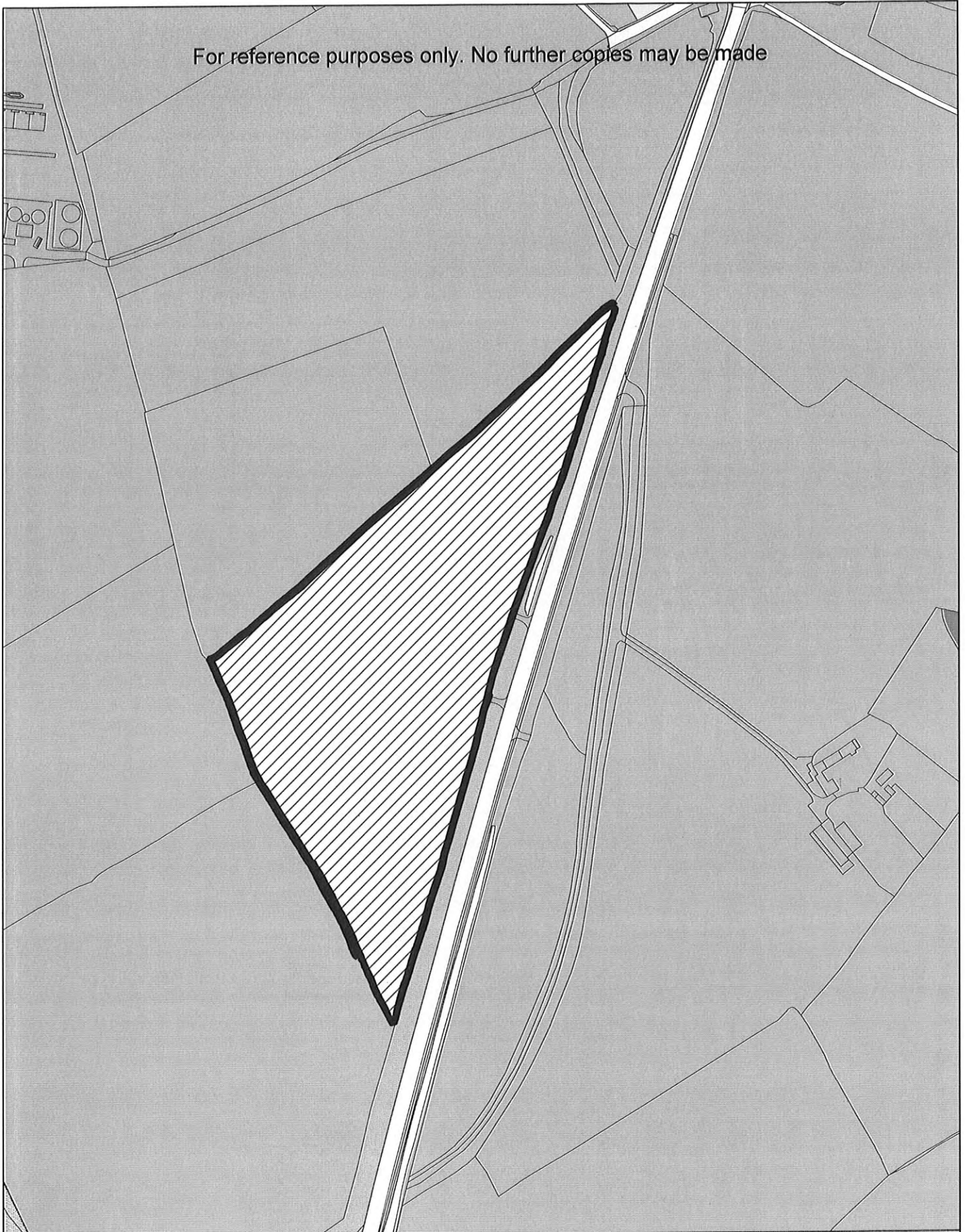
Planning Policy Statements/Guidance: PPS1, PPS4, PPS7, PPS9, PPG13, PPG17 and PPS25

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

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City of
Durham

Planning Services

Application No. 4/08/00977/FPA

Land To West Of A688, Cornforth Moor,
Tursdale

Comments

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