

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Thursday, 22nd January, 2009, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crooks, Dickie, Freeman, Holland, Kinghorn, Marsden, Pitts, Simmons, Simpson, D Smith, Southwell and Stoddart.

Also Present: Councillors Colledge, Cowper, Kellett, Kelly, Robinson, Walton, Wilkes, Woods and Wynn.

372. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Guy, Howarth, Laverick, Plews, Rae, Taylor, Walker and Young.

373. MINUTES

The Minutes of the Meeting held on 10th December, 2008, were confirmed as a correct record and signed by the Chair.

Report of Director of Strategic Services

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

This Order was made by the City Council on 27th October, 2008. The Order provided for the diversion of part of the existing footpath and the creation of an alternative footpath to enable development to be carried out in accordance with planning permission granted by the Authority under the Town and Country Planning Act 1990. A plan showing the existing and alternative routes had been circulated.

In accordance with standard procedure, the making of the Order had been advertised in the local press and correspondence despatched to the relevant statutory consultees. There were no outstanding objections and the Council was now able to confirm the Order of its own volition as an unopposed Order.

Resolved: That the City of Durham (Footpath No. 33 Pittington Parish, Carrville, Durham, Diversion Order 2008 be confirmed.

Report of Head of Planning Services

375. REPORTS FOR INFORMATION

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

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by N Swift (Hope Estates) – Site at 33 Whinney Hill, Durham, DH1 3BD
 - (ii) Appeal by M Robinson – Site at 43 Luke Avenue, Cassop, Durham, DH6 4RD
 - (iii) Appeal by E Clark – Site at 20 Whinney Hill, Durham, DH1 3BE
 - (iv) Appeal by D Carr – Site at Willow Cottage, Meadowfield Farm, Thornley, Durham, DH6 3EE

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) A Whitley – Site at Bracken Cottage, Bank Foot, High Shincliffe, Durham, DH1 2PD
 - (ii) Appeal by Local Shopping Reit Plc – Site at Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
 - (iii) Appeal by M Cornish – Site at 18 St Nicholas Drive, Whitesmocks, Durham, DH1 4HH
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

376. DECISIONS MADE BY THE COUNTY COUNCIL

Note: Councillors Crooks, Simmons and Southwell declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

- (a) **CM4/08/871** **Abbey Day Centre, Abbey Road, Pity Me, Durham, Durham County Council** **DH1 5DQ**
Formation of accessible footpath to provide wheelchair access

The above application was considered by the City Council under delegated powers on 17th October, 2008, when it was resolved to raise on objection.

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

- (b) **CM4/08/832** **Durham Bluecoat Church of England Junior School, Durham Bluecoat Church of England Junior School** **Langley Road, Newton Hall, Durham, DH1 5LP**
Erection of car park lighting

The above application was considered by the City Council under delegated powers on 8th October, 2008, when it was resolved to raise on objection, subject to the lights being operated on a time system, as outlined in the submitted design and access statement, and that due consideration being given to the impact of the lighting on the neighbouring residential properties.

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

- (c) **CM4/08/901** **Shincliffe Church of England Junior and Infant School, High Street, High Shincliffe, Durham** **Shincliffe Church of England Primary School** **Erection of parent waiting shelter and outdoor play area canopy**

The above application was considered by the City Council under delegated powers on 23rd October, 2008,

when it was resolved to raise on objection.

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

- (d) **CM4/08/916**
Framwellgate Moor
Comprehensive School **Framwellgate Moor Comprehensive School, Newton Drive, Framwellgate Moor, Durham**
Erection of decking with canopy

The above application was considered by the City Council under delegated powers on 20th November, 2008, when it was resolved to raise on objection.

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

- (e) **CM4/08/905**
Durham County Council **Durham Johnstone Comprehensive School, Crossgate Moor**
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 12th November, 2008, when it was resolved to raise on objection.

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

Resolved: That the report be noted.

377. RECOMMENDATIONS ON OTHER APPLICATIONS

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

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

- (a) **08/00913/FPA**
Brett Bros
Developments **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)

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) - 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.

(b) 08/00948/FPA
08/00949/CAC
Durham Aged
Mineworkers Association

George Parkinson Memorial Homes, Sherburn Village, Durham, DH6 1DH
Demolition of 12no. existing dwellings and change of use of open space in association with erection of 16no. two bedroom bungalows

Resolved: (i) That the application no. 08/00948/FPA be **APPROVED** subject to the following conditions:-

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

(ii) That application no. 08/00949/CAC be **APPROVED** subject to the following conditions:-

- (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.

Note: *Councillors Walton and Woods left the Meeting at 5.50 p.m.*

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

(c) **08/00955/FPA**
B Watts

Playing field opposite Church Street, Quarrington Hill, Durham
Removal of existing play equipment and erection of replacement recreational area and play equipment

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 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.

Note: *Councillor Simmons left the Meeting at 6.10 p.m.*

Note: *Councillor Colledge left the Meeting at 6.15 p.m.*

(d) 08/00969/FPA
Barry Martin &
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 7no. field shelters and
associated parking provision 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) - 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.
- (12) - No development shall commence until a detailed survey has been carried which examines the presence or otherwise of badgers within the site. A full report detailing findings and mitigation if necessary shall be submitted to and agreed in writing by the Local Planning Authority and development shall subsequently adhere to the mitigation set out in the report.

Note: Councillor Colledge entered the Meeting at 6.20 p.m.

Note: Councillor Simmons entered the Meeting at 6.25 p.m.

Note: Councillor Simmons entered the Meeting at 6.25 p.m.

Note: Councillor Wilkes left the Meeting at 6.25 p.m.

Note: Councillor Kellett left the Meeting at 6.30 p.m.

(e) 08/00970/FPA
Barry Martin &
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

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

- (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.

Note: Councillor Cowper left the Meeting at 6.40 p.m.

Note: Councillors Kelly and Robinson left the Meeting at 6.45 p.m.

(f) 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 8no. horses including

subdivision by 1.3m high fencing and siting of 4no. field shelters

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

- (1) - This permission is given for a limited period of 3 years from the date hereof expiring on 22nd 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.

**(g) 08/00997/OUT
City of Durham**

**Land at corner of Waltons Terrace and The Bungalows, New Brancepeth, Durham
Outline application with all matters reserved for the erection of 2no. semi-detached dwellings up to 8m in height**

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

- (1) - Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

- (2) - Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (4) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (6) - No development shall 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.

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

(h) **08/00998/OUT**
City of Durham

Land to the east of 24 Neil Crescent, Quarrington Hill, Durham
Outline application with all matters reserved for the erection of 2no. semi-detached dwellings, up to 8m in height

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

- (1) - Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters,

- or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
- (2) - Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
 - (4) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
 - (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
 - (6) - No development shall 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.

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

- (i) **08/00999/OUT**
08/01000/OUT
City of Durham
- Land to the east and south of 16 David Terrace, Quarrington Hill, Durham**
Outline application with all matters reserved for the erection of 3no. or 4no. dwellings including diversion of public right of way

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

- (1) - Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this

permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

- (2) - Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.
- (3) - No dwelling hereby approved shall be occupied until the access road has been upgraded and the public right of way has been diverted, with full details of the design surface treatment having first been submitted and agreed in writing with the Local Planning Authority and implemented thereafter in accordance with the agreed details.
- (4) - The diverted public right of way shall not be less than 1.8m in width and no means of enclosure alongside the path shall exceed 1.2m in height except for a distance of 7m between the start of the diversion adjacent to 22 and 23 Malcolm Avenue in a southerly direction where it shall not exceed 1.8m in height, and the details of which shall form part of the reserved matters submission.
- (5) - No dwellings on any part of the site shall exceed 8 metres in height.
- (6) - 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.
- (7) - 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.
- (8) - 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.
- (9) - 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.

- (10) - 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.
- (11) - No boreholes or excavations shall take place within 4.5m, and no tree planting or alteration of the land shall take place within 3m of the public sewer or public water main within the site unless otherwise agreed in writing with the Local Planning Authority and Northumbrian Water Limited.

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

(j) **08/01001/OUT**
City of Durham

Land between 45 Linden Grove and 58 Lansdowne Road, Coxhoe, Durham
Outline application with all matters reserved for the erection of 2no. bungalows (description amended 8th January, 2009)

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

- (1) - Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
- (2) - Approval of the details of the layout, scale, appearance, access and landscaping of the

site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

- (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
- (4) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (5) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (6) - No development shall 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.

(k) 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 2 storey building with accommodation in roofspace comprising 3no. retail units and 6 no apartments together with change of use and conversion of existing dwellings to form 4no. apartments, together with associated parking and refuse facilities

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

- (1) - The development to which this permission relates shall be begun not later than three years from the date of this permission.
- (2) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by

the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

- (3) - Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
- (4) - Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
- (5) - Notwithstanding the information shown on the submitted drawings, full details of all openings, to include windows and doors, drawn to a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, implementation shall be in full accordance with these approved details.
- (6) - There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
- (7) - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- (8) - The recommendations of the submitted Bat Usage Risk Assessment carried out by Dendra Consulting Ltd shall be adhered to in full.

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

(I) **08/01049/FPA** **Coxhoe Village Hall, Front Street East, Coxhoe,**
Coxhoe Parish Council **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

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

- (1) - The development to which this permission

- relates shall be begun not later than three years from the date of this permission.
- (2) - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
 - (3) - Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
 - (4) - Notwithstanding the information shown on the submitted plans, full details of the proposed uplighters 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.
 - (5) - The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice.
 - (6) - 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.

The Meeting terminated at 7.10 p.m.

Chair

CITY OF DURHAM
DEVELOPMENT CONTROL COMMITTEE

18 February 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 D Carr
Site at Willow Cottage, Meadowfield Farm, Thornley, Durham, DH6 3EE
 - b) Appeal by Mr Nick Swift (Hope Estates)
Site at 33 Whinney Hill, Durham, DH1 3BD
- 1.1 Notice of Outcome of Planning / Enforcement Appeals which have been lodged with the Council**
 - a) Appeal by Mrs M Cleary
Site at 3 Mowbray Street, Durham, DH1 4BH
 - b) Appeal by Mr S P Chivers
Site at 51 Norburn Park, Witton Gilbert, Durham
 - c) Appeal by Mr R Young, Mr D Hird and Mr D Brown
Site at 2, 3 and land adjoining 4 Auton Close, Bearpark, Durham
 - d) Appeal by Mr And Mrs James
Site at Triermayne, Nevilles Cross Bank, Durham, DH1 4JP
- 2. Planning Applications – Determined under Plenary Powers**
- 3. Building Control Applications – Determined under Plenary Powers**

4. 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

08/00968/FPA Lidl UK	Land At And To Rear Of High Street South Langley Moor Durham	Mixed use scheme including erection of supermarket with associated parking and landscaping, outline application including details of access for the erection of children's nursery with associated parking and landscaping and outline application including details of access for the erection of 17 no. two storey dwellings and 2 no bungalows	MINDED TO APPROVE
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ITEM 2

08/00988/OUT North East Assemblies Ltd	The Works Station Road Ushaw Moor Durham DH7 7QA	Outline application with all matters reserved for the erection of 21 no. two storey dwellings	APPROVE
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ITEM 3

08/1017/FPA + 08/1018/CAC Mackellar Architecture Ltd	Magdalene Heights Gilesgate Durham DH1 1SY	Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping (revised and resubmitted)	APPROVE
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ITEM 4

08/1042/FPA + 08/1044/LB One Leisure	Chapters Of Durham 72-73 Claypath Durham DH1 1QT	Change of use and physical alteration of existing restaurant to provide 7 bedroomed residential accommodation with internal alteration and subdivision, removal of hung ceiling and external alteration including 1 no. new window on side elevation, repair of existing roof, 5 no. new rooflights, removal of existing signage and steel handrail to rear garden area	APPROVE
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ITEM 5

08/1092/FPA Coxhoe Banner Group	Land Opposite Church Street Coxhoe Durham	Erection of mining memorial, comprising half pit wheels, plinth mounted, set behind hard surfaced area with dwarf walls and fixed coal wagons	APPROVE
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ITEM 1

08/00968/FPA	Land At And To Rear Of High Street South, Langley Moor, Durham
Lidl UK	Mixed use scheme including erection of supermarket with associated parking and landscaping, outline application including details of access for the erection of children's nursery with associated parking and landscaping and outline application including details of access for the erection of 17 no. two storey dwellings and 2 no. bungalows

SITE AND APPLICATION DESCRIPTION

This planning application proposes a mixed use development on a prominent site adjacent the A690 at High Street South, Langley Moor. The land is currently in a variety of uses, the frontage comprising an open grassed area with tree planting, with a scrap-yard and industrial/commercial premises behind, with other areas of gardens, allotments and open space. The site has a variety of neighbours, with two commercial properties occupying the traditional Victorian buildings that flank the site frontage on the A690, the industrial estate to the south, and residential dwellings to the east and north. The site faces an area of open space across the A690, beyond which are new and mature residential areas.

The development proposes a scheme of three elements; a new food retail store with car parking, landscaping and servicing, outline proposals for a nursery, and housing, to include a small element of affordable housing.

The foodstore element requests full detailed consent and would have a gross floorspace of 1,319sq metres and a net retail floorspace of 1,63sq metres. A landscaping belt is proposed to stretch across the A690 boundary of the site, fronting the car parks for both the retail and nursery elements of the scheme. The foodstore is a modern single storey building of pitched roof design. Vehicular access to the foodstore is centrally located on the frontage. Servicing of the foodstore is proposed to the rear of the building, accessed through the industrial estate and the staff parking provision. There is no route directly through the scheme for deliveries or the public. An 'acoustic fence' is proposed to the rear of the store between the service ramp and the proposed new housing.

Whilst the original submission set out a proposed vehicular entrance and building footprint for the nursery proposals, all matters are now proposed reserved for consideration in a future detailed application. This element of the development proposes the removal and remediation of the existing scrap-yard operation, and a modern building, with the design to be agreed later, of one and one and a half stories in height to provide a visual link between the traditional two storey Victorian frontage development, and the commercial single storey sized foodstore. An addendum to the original Design and Access Statement has been submitted during the course of the application, setting out the justification for the indicative layout, exploring issues of urban design, highway safety, crime prevention and the presence of underground services.

The third element of the proposal is an outline scheme for housing, again with all matters reserved for future approval. Semi-detached and mid-link housing of two stories in height is proposed between 20 and 26 Littleburn Lane, to the rear of the foodstore – an 'acoustic fence' being proposed to reduce the chance of nuisance by deliveries. These dwellings are accessed by a hammerhead cul-de-sac. The existing sub-station remains. A second area of housing, shown as mid-linked, with parking spaces on the properties accessed from the existing back lane, is proposed to the rear of 49 High Street, backing on to the proposed foodstore. Lastly, during the course of the application, a proposal for a pair of semi-detached

'affordable' bungalows has been included on the problematical area of open space to the rear of the public house on the High Street initially proposed as remote parking for the houses opposite.

The site at present has a variety of land uses. A formal grassed area incorporating tree planting stretches the length of the front of the site, with the industrial/commercial estate and scrap-yard behind it. Because of the land designation in the Local Plan relating to these uses, the current proposals represent a 'departure' from the adopted policy of the Council, and should Members resolve to approve the proposals, the decision will need to be ratified by the Government Office for the North East. The remainder of the site is made up of gardens, allotments and open space, including a number of trees.

The proposals have been the subject of extensive pre application discussion with the applicants who also conducted their own consultation exercise which included letters to nearby residents and an open day on 1st October 2008.

RELEVANT HISTORY

Whilst the development of the site for the proposed uses represents a departure from policy, the proposals do relate to an aspiration of the Council to influence the outcome of pre-application discussions for the subject area and to ensure that potential development is considered in a holistic manner. In this regard a detailed Development Brief was prepared and adopted in September 2005. This sought to 'create a better mix and disposition of land uses, creating a stronger, successful and more sustainable community in the longer term'.. A mixed use application for the site was submitted in 2007, but withdrawn before determination, lacking elements of the required technical background information.

POLICIES

NATIONAL POLICY

Planning Policy Statement1: 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 of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms, takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together. The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality. The advice covers mixed uses, conservation and heritage, re-use of urban land and other matters.

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

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

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

Planning Policy Statement 9: Biodiversity and Geological Conservation: (This PPS replaces Planning Policy Guidance Note 9 (PPG9) on nature conservation published in October 1994). PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance 13: Transport, 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 17: Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. The guidance observes that it is part of the function of the planning system to ensure that through the preparation of development plans adequate land and water resources are allocated for organised sport and informal recreation. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses the role of all levels of plan, planning agreements, and the use of local authority land and compulsory purchase powers. It discusses provision in urban areas, the urban fringe, the Green Belts, and the countryside and particular sports including football stadia, water sports and golf.

Planning Policy Statement 23: Planning and Pollution Control: The policies in this statement and the advice in the accompanying Annexes (Annex 1: Pollution Control, Air and Water Quality and Annex 2: Development on Land Affected by Contamination) should be taken into account by Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) in preparing Regional Spatial Strategies (RSSs) and Local Development Documents (LDDs) - referred to in this Statement as "development plans". They are also material to decisions on individual planning applications. Where these policies are not reflected adequately in local development documents, or taken into account in relevant development control decisions, the First Secretary of State may use his powers of direction to seek changes to the documents or may intervene in the consideration of planning applications.

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

developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

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

REGIONAL POLICY

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

LOCAL PLAN POLICY

Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from open spaces which possess functional, visual and environmental attributes which contribute to the settlement's character, or the small scale character of an area.

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

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

Policy 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 H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which

includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

Policy EMP8 (General Industrial Sites) seeks to promote the overall quality of the Districts General Industrial estates while permitting development falling only within classes B1, B2 and B8 of the Use Classes Order.

Policy EMP10 seeks to restrict the development, use or extension of 'Bad Neighbour' activities to industrial estates, except where there would be an adverse effect on neighbours or the character and appearance of an area.

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

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

Policy S1a (Shopping, Retail Hierarchy), states the Council will seek to protect and promote the vitality and viability of all centres within the retail hierarchy, including the local centre at Langley Moor.

Policy S5 (Local Centres) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities are not eroded.

Policy S9b assesses Major Out of Town Shopping Proposals, setting out criteria against which proposals for such should be assessed, including the effect on the vitality and viability of existing centres, traffic implications, and access by public transport.

Policy R5 (Protection of Allotments) seeks to protect allotments unless they are redundant or underused and replaced.

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

Policies Q1 and Q2 (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.

Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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 conclusions from discussions on the Highways Assessment and proposals submitted can be summarised thus; no objection is raised subject to the developer entering into a s.106 agreement to contribute appropriate monies towards the upgrade of the A167/Brownley Lane junction, designed to relieve traffic from the A690 between Langley Moor and Nevilles Cross, secondly, the bus stop to the front of the site to be relocated by condition, and finally the car parking being situated to the front of the nursery site to discourage on street parking in the interests of highway safety.

The Environment Agency assess the site as low risk but are unable to provide a full response.

Natural England have assessed the Protected Species Survey submitted with the application and concur the proposals are unlikely to have detrimental effect on species protected by law.

PUBLIC RESPONSES

The Parish Council have written to offer their support to the proposals.

The City of Durham Trust acknowledge the environmental benefits of the proposals, considering the retail type appropriate to the area, without compromising the City retail area, and being in line with Policy S5a.

At the time of writing the committee reports 112 letter of support had been received from local residents and businesses. The letters acknowledged the applicant's pre-submission consultation exercise, and welcomed the potential of the mixed use development, and in particular the proposed supermarket. Many of the correspondents are particularly keen on the specific applicant in addition to the proposed use, giving a variety of shopping opportunity to the area, particularly for the elderly. Further benefit is envisaged from the removal of the

scrap yard, and the additional employment the proposals would bring. Note is made of the employment benefits the development would bring.

The Council's statutory consultation exercise has also elicited 9 letters of objection. These are all in the form of a standard letter. Concern is raised to the loss of the trees on site, noting errors in the submitted material relating to such. Remaining concerns relate to the supermarket building and operation, with the potential of noise nuisance from the condenser units to the rear of the retail building, and deliveries to the rear of the building, despite proposals on plans for an 'acoustic fence'. The potential for light pollution is raised as a further concern. The proposal for white panels facing the residential properties in Littleburn Lane is objected to.

The submission is criticised for selected use of images of the existing site, its glossy nature, and whether the pre-submission consultation exercise was a success.

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 policy dimensions to the application that must be balanced in its determination, these being the appropriateness of the land uses proposed, and the specific relationships proposed with existing land uses. The principal policies against which the proposals must be assessed relate to the loss of industrial land (Policy EMP8) and open space (Policies E5a and R5), and the appropriateness of the replacement land uses (Policies S5 - shopping, C8 – community facilities, Q8 – housing).

Much of the site is previously developed brown-field land, with the central area designated within the Industrial Estate for employment uses (although the scrap yard is not included within the industrial area). The Development Brief of 2005 sought to relocate the 'inappropriate' and piecemeal uses – particularly the industrial/commercial elements, and use new development as a catalyst for renewal. Whilst the Employment Policy that covers the centre of the site states that land use classes B1, B2 and B8 will be permitted, the accompanying explanatory text implies other land uses are sometimes permissible. Effectively however, the proposals are a departure from this policy, and Members must decide whether the perceived benefits of the scheme outweigh the loss of industrial land proposed. There is potentially an over-supply of employment land in the District. Likewise the supermarket is outside, albeit adjacent, the boundary of the designated centre for Langley Moor. Policy S5 allows for development of A1 retail uses within the local centre, and units of up to 100m² elsewhere, providing they do not adversely affect the vitality and viability of the local centre, the local economy, or road safety.

The Council commissioned an independent assessment of the retail statement submitted by the applicant that justifies their approach to these issues. This assessment agrees that the scale of development proposed is appropriate for the role and function of Langley Moor as a local centre and it would not alter the position of this local centre in the retail hierarchy with the percentage trade diversions of the extent predicted not having a significant impact on any of the local centres assessed, concluding that in relation to Local Plan Policy the proposed development would satisfy the criteria set out in the policy. The requirement for the sequential test from PPS6, outlined in the Planning and Retail Statement is accepted as meeting the requirements of this Government guidance.

The principle of the housing development is fully in accord with the 2005 Development Brief, albeit officers had expectations that the scheme would deliver a greater element of 'affordable' provision. The applicants have introduced a pair of semi detached bungalows onto the land behind the public house on the High Street, previously designated for parking. This can be conditioned as specialist elderly affordable accommodation. Whilst at this stage

of indicative layout, the submitted drawings indicate that the proposed density of housing development can be accommodated with required guidelines for amenity space and separation distances met, both to existing and between proposed units and uses. The surrounding area features a mixture of traditional and new residential property, with those on Littleburn Lane/Onslow Terrace being most affected by the proposed housing areas, although the new bungalows would present a single-storey gable to the rear of the High Street. It is noted that the residential elements of the scheme have not been controversial, either in principle, or in the loss of the existing garden/allotment uses. The proposals are considered to accord with the requirements of Policy Q8, and have the potential to compliment other recent residential development on the former Auction Room site, Wesley Court.

The approval of this element of the scheme in outline would not compromise either the Local Planning Authority, or local residents in objecting to any element of the detail required by the 'reserved matters' submission that was considered unacceptable.

The remaining element of the proposals is the site comprises the frontage grassland/tree-planting and the existing scrap-yard. As noted above, this latter land-use is outside the designated industrial area, and in principle has the potential to be a 'bad neighbour'. The Development Brief aspired to frontage development in this part of the site to mirrors the form of the traditional High Street. With a run of services cutting through the site from the High Street back lane, the indicative layout shows the building set back with its car park, and vehicular entrance to the front. This meets the requirements of the Highways Authority, with a car park visible from the main road likely to lead to less on street parking, and sufficient room to extend a planting strip across the full extent of the site frontage. The revised indicative massing sketches show a modern building of between on and 1.5 storeys in height, on a footprint midway between the High Street frontage, and the proposed foodstore. Development of this element would require submission of a reserved matters application, and discussions on the final siting and design, whilst relevant to the current application, can be discussed at a later date.

In principle, the provision of the nursery, given its excellent relationship to transport access, residential areas, and local facilities accords with Policy C8. As noted above there has been public comment on the benefit of removing the existing scrap-yard, which is a prominent feature on the existing street-scene, and in the event of an approval a specific time limit to ensure that if the expected reserved matters application is not submitted within a certain time period – 12 months is proposed – the developer must submit a scheme to remove the exiting use, and landscape/secure the site to a standard to be agreed with the Local Planning Authority.

As part of the formal submission, a Transport Assessment, and Framework Travel Plan have been submitted. The proposals have been assessed in consultation with the County Highway Authority against the specific requirements of the proposed land uses, and the wider implications on traffic flows in the area and across the district. To summarise a highly technical exercise, the Highway Authority offer no objection to the scheme subject to a Section 106 agreement to provide monies to a scheme to upgrade the junction of the A167 and Browney Lane, designed to remove traffic from the A690 between Browney Lane and the A167 at Neville's Cross. The applicant accepts this arrangement. A condition is also required to move the bus stop from its current position on the site.

As befits a scheme of this size and complexity, other technical reports have been submitted to address the specifics of the site. A phase 1 desktop study of ground conditions and contamination, concluding that a full ground investigation be carried out across the site, including trial pits, bore holes and monitoring wells, along with chemical testing. It is proposed to attach standard conditions to ensure these issues are fully assessed and accounted for. The Flood Risk assessment also makes reference to requirements and recommendations for further works. To a degree these can only be fully addressed on

submission of the reserved matters applications for the nursery/housing elements, and again a condition is suggested to cover this requirement. Natural England have indicated they are satisfied with the Protected Species information submitted, and that identifiable harm is unlikely. The responsibilities of the developer to the Protected Species legislation are outlined in their letter. The 'Landscape Management Document' submitted with the application has been withdrawn, representing a standard maintenance schedule, and a wholly inaccurate site survey, was both misleading and not fit for purpose. A landscaping element across the site frontage, encompassing both the foodstore and nursery is required, and will be conditioned, mitigating to some degree the loss of the existing site flora.

This condition is considered appropriate to overcome the concerns of objectors on this issue. The existing trees are a positive feature of the locale, but are not, in officer's opinion, of sufficient value to justify serving of Tree Preservation Orders.

The response to the Council's public consultation exercise has been good, reflecting the applicant's pre-submission community engagement, and appears to reflect real community desire for both the principle of the foodstore, and the specific nature of the applicant's business. The correspondence received from the public, both positive and negative centres on the foodstore, the nursery and housing mentioned only in passing reference to the benefit of removing the scrap-yard as a bad neighbour.

To address the specific issues raised by objectors, there is concern at the potential of deliveries unreasonably affecting their residential amenity. Access for service traffic is proposed only from the rear of the site, through the industrial estate, and Lidl, the proposed operator have specific servicing arrangements, with one delivery per day. A condition to restrict the hours of delivery is proposed, and considered a reasonable response to the concerns raised. Residents concerns regarding potential noise nuisance from condenser units and plant at the rear of the foodstore is not shared by Environmental Health Officers, whose legislation would protect resident's interests in future. The applicant has submitted additional technical information to further address this element of concern. Residents concerns relating to the potential of light overspill for the site can be likewise addressed by condition. Finally residents object to the white panels shown as proposed in the submitted elevations. Lidl have indicated their willingness to colour the rendered panels to a finish more appropriate to the materials palette of the area, and this can be achieved through the Council's standard materials condition.

CONCLUSION

The application represents a departure from Council Policy in two areas – the use of designated Industrial Land for an A1 retail use, and the proposed foodstore being sited outside a designated 'Local Centre'. In producing a Development Brief that sought to relocate inappropriate uses, relocate industrial/commercial businesses to better, alternative sites, and 'create leverage to stimulate regeneration and maximise the use of previously developed land', the Council effectively indicated an intent to consider land uses other than those specifically designated in the Local Plan. The proposed foodstore is well located to, but does not compromise the adjacent local centre, and could be argued to consolidate it, and likewise is not likely to compromise other centres across the District. National and local guidance and policies have been considered against the retail proposals, and subject to appropriate conditions, this element of the scheme is considered acceptable and further to justify the proposed departures from adopted Policy. The objections to the scheme received in response to the statutory consultation exercise all effectively relate to the siting and operation of the supermarket. Officers are of the opinion that the elements of concern have either been addressed through the application or can be by appropriate use of conditions.

The housing element of the scheme shows that in principle a layout can be achieved that achieves the standards of privacy and amenity the Council requires. The amendment to

include the bungalows gives an element of social housing, albeit less than that hoped for by the Development Brief. The housing element of the proposals is considered acceptable, although of comparatively low density, in its current 'outline' form.

The proposed nursery element deviates most from the Development Brief, in being sited away from the High Street frontage. This element again is submitted in outline form, with design and siting matters reserved for later consideration. The indicative layout in working around existing underground services provides a stagger to the building line, to the visual benefit of the supermarket, the visibility and therefore safety of parking arrangements, and the opportunity for a consistent landscape feature across the front of the whole site. The provision of a well placed community facility, at the expense of the 'bad neighbour' activity of the scrap-yard, is again considered acceptable by officers.

Noting that any positive decision will need to be ratified by the Government Office, the proposals are recommended positively.

RECOMMENDATION

That in accordance with The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, Members be **MINDED TO APPROVE** the application subject to the following :

- a. completion of Section 106 Agreement to pay an agreed sum into a fund for the improvement of the B6300-A167 road junction to the north of Croxdale, and to ensure that the two bungalow units defined in Area C of plan 80916/G2/GA-106 are developed and retained as social housing.
- b. the following conditions:

The following conditions relate specifically to the area of the site proposed for the foodstore:

1. In the area of the site defined on plan 80916/SE/G2-301B for development of the food-store, the development to which this permission relates shall be begun not later than three years from the date of this consent.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

6. No development shall take place until the developer has provided a scheme to show how vehicular through traffic will be prevented between the A690 and the industrial estate, and this has been approved in writing. The scheme shall be implemented and retained in accordance with said approval.
7. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
8. A scheme for the relocation of the bus stop must be submitted to and agreed in writing by the Local Planning Authority before development commences.
9. 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.
10. Notwithstanding the information shown on the submitted application details of all external lighting and illumination to include position, orientation, height and level of illumination shall be submitted to the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
11. Details of the proposed acoustic screens to protect new and existing residents shall be agreed in writing with the Local Planning Authority. The agreed screen shall be in place prior to the approved store being operational.
12. The siting of the condenser units will be agreed in writing with the Local Planning Authority before development commences, being sited and retained in accordance with said agreement.
13. All deliveries to the store must be between the hours of 0700hrs and 2000hrs on a Tuesday, unless otherwise varied and agreed in writing by the Local Planning Authority.
14. The 18 initiatives contained within the 'Framework Travel Plan', Oct. 2008 (Faber Maunsell) must be implemented in full. The trader will dedicate £10 per parking space per year to travel planning initiatives.

The following conditions relate specifically to the area of the site proposed for housing:

15. In the area of the site defined for housing development on the submitted plans, application for reserved matters must be made not later than the expiration of three years beginning with the date of this permission, the development must

subsequently be begun not later than whichever is the later of the following dates:

- The expiration of five years from the date of this permission.
 - The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
16. For the areas of the site proposed for housing, approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

The following conditions relate specifically to the area of the site proposed for the nursery development:

17. In the area of the site defined for development of the children's nursery, application for reserved matters must be made not later than the expiration of three years beginning with the date of this permission, the development must subsequently be begun not later than whichever is the later of the following dates:
- The expiration of five years from the date of this permission.
 - The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

If application for reserved matters is not received within one year of the date of this permission, a written scheme of removal of the existing scrap-yard and restoration of the site, to include removal of all demolished material, reinstatement of the site with landscaping and fencing must be submitted to and approved in writing by the Local Planning Authority, said scheme to be implemented within twenty four months of the date of this permission.

18. On the area of the site proposed for the nursery, approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

General conditions relating to the overall site:

19. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement. The scheme may be submitted in three separate elements, relating to the individual elements of the application.
20. No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed, a timetable, and full schedule of works. These measures shall be fully implemented and validated in writing prior to built development commencing.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

Addendum, Design and Access Statement, Jan. 2009, RPS

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

City of Durham Local Plan 2004

Planning Policy Statements / Guidance, PPS1, PPG2, PPG4, PPS6, PPS9, PPG13, PPG17, PPG19, PPS23, PPG24, PPS25

Responses from County Highways, Environment Agency, Natural England

Public Consultation Responses

Land at Langley Moor High Street Development Brief, 2005

Planning and Retail Statement, RBS

Statement of Community Involvement, Lidl UK GmbH

Framework Travel Plan, Oct. 2008, Faber Maunsell

Transport Assessment, Oct 2008, Faber Maunsell

Landscape Management Document, Oct 2008, FDA Landscape Ltd. (withdrawn)

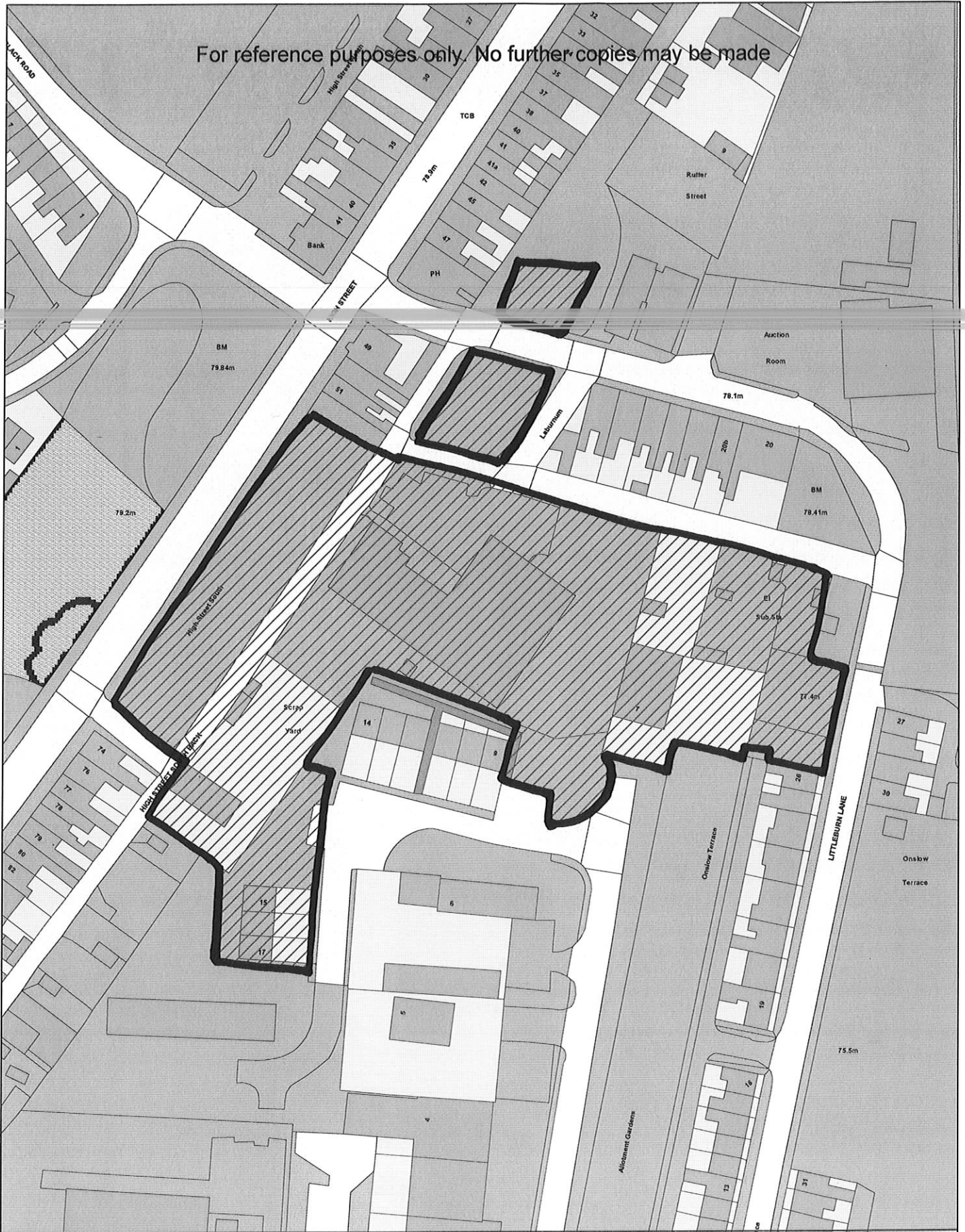
Bat Roost Survey, Sept. 2008, RPS

Flood Risk Assessment – Level 1, Oct 2008, Faber Maunsell

Phase 1 Desktop Study, Report C3000, July 2008, Sirius

Review of Planning and Retail statement by RPS Oct. 2008, Dec. 2008, England & Lyle

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City of
Durham

Planning Services

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Application No. 4/08/00968/FPA

Land At And To The Rear Of High Street South

Comments

Date

05 February 2009

Scale

1:1250

ITEM 2

08/00988/OUT	The Works, Station Road, Ushaw Moor, Durham, DH7 1SY
North East Assemblies Ltd	Outline application with all matters reserved for the erection of 21 no. two storey dwellings

SITE AND APPLICATION DESCRIPTION

This application site lies at the southern edge of the village of Ushaw Moor and at the southern end of Station Road. Currently the site is occupied by aging commercial buildings presently occupied by the applicant, North East Assemblies Limited which operate an engineering business. The existing buildings are brick with extensions added at various time and are of no architectural merit. The site area is 0.56 hectares and includes the buildings and curtilage parking and storage area. The site borders the residential areas in Ushaw Moor to the west and south, allotments and a recreational field to the north and countryside to the south. The site is generally flat.

The application is an outline proposal only for the erection of 21 dwellings that are two storey in height. All detailed matters are reserved for subsequent approval. The application is supported with a layout plan and house types for information only, a thorough planning statement, design and access statement, a bat survey, an arboricultural report and a geological report.

In addition the applicant has submitted a letter of support explaining that the buildings are no longer suitable for the engineering work they undertake as they are too old. They require modern premises where they can guarantee a clean environment to manufacture components for medical, aerospace, aviation and automotive industries. The company are wanting to relocate within Durham, and retain their staff. To finance the move they are seeking this planning consent.

RELEVANT HISTORY

Last year an outline application for 22 residential units was withdrawn from consideration.

POLICIES***NATIONAL POLICY***

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

Planning Policy Statement 3: Housing, 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 9: Biodiversity and Geological Conservation: sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

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

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

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

REGIONAL POLICY

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

LOCAL PLAN POLICIES

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

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

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

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

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) sets out criteria all new development must take into account in its design and layout, including elements of personal safety and crime prevention, the needs of the disabled and the elderly, minimising conflict between pedestrians and vehicles and so on.

In Policy Q8 (Layout and Design – Residential Development) the Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

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 www.durhamcity.gov.uk

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

The County Highway Authority raises no objection to the principle of the residential development on the site.

Durham Bat Group raised no objection subject to a condition about the timing of the building works.

PUBLIC RESPONSES

Brandon and Byshottles Parish council express full support for the proposed development which will further enhance this area of the village.

1 letter of objection from the owner of the land to the west of the application site on the grounds that

- a) His land abuts the application site and he would wish to see the site being comprehensively developed with the land in his ownership.
- b) The sketch layout has two plots no.11 and 12 facing his land which would lead to the separation distances required in Policy Q8 sterilising part of his land from development. This would prevent the objector from achieving an acceptable and efficient layout on the development.

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

PLANNING CONSIDERATIONS

The site is mainly located in the settlement boundary of Ushaw Moor although a small area to the north east falls outside the settlement boundary where it adjoins an area of established allotment gardens to the north. The key issues in considering the application are therefore whether residential development is acceptable in principle on this site, and whether the applicant has demonstrated that 21 dwellings can be accommodated on the site with a satisfactory highway infrastructure, parking, layout, and residential amenity. The effect on the trees that are outside the application site boundary but lie to the north and east of the site also needs careful consideration.

The application is an outline application only with the plans demonstrating the principle of the proposed development. The principle policies to consider the application against are therefore E7, E14, H3, H5, H13, Q8 and T1 and T10.

The primary issue with this application is with regard to the allocation of the site. The Local Plan identifies the majority of the site as lying within the settlement boundary where Policy H3 permits the development of previously developed land within the settlement within specific villages. Ushaw Moor is identified as a larger village in this policy. As such the land within the settlement boundary that is the subject of the application that has the industrial units and associated curtilage is considered as previously developed land and complies with this policy.

The eastern part of the application lies outside the settlement boundary. The illustrative layout submitted by the applicant shows this land can accommodate a pair of semi detached dwellings as part of the submitted scheme. This land is within the ownership of the applicant and is used in association with the engineering business. Indeed when Officers visited the site skips were stored on the land. Historically the boundary of the 2004 Local Plan seemed to reflect that this area of land had regenerated to some extent to grassland whereas the remainder of the site had the appearance of active industrial use.

Policy E7 on development outside settlement boundaries does not normally allow residential development unless it has a functional and financial agricultural or forestry need as specified in Policy H5. Clearly, this does not apply here. Officers have discussed the removal of the land outside the settlement boundary with the applicant. However, they are unwilling to reduce the application site as they require the additional finance from the properties to finance the relocation of their engineering business to new industrial premises. The City Councils Economic Development Officer also supports their application.

Given that the area of land outside the settlement boundary is small; the land is within the curtilage of the larger site of industrial buildings that are within the settlement boundary, and there is an economic gain in facilitating the relocation of the industrial building Officers support this departure from the Local Plan policy.

With regard to the proposed layout, design and residential amenity an indicative layout has been submitted that demonstrates 21 dwellings can be accommodated on the site. The layout demonstrates a development of one detached and ten semi detached dwellings with parking and some garaging could be developed. As Ushaw Moor has a wealth of terraced housing in this area the provision of an alternative house type with gardens and parking is supported. The County Highway Officer has raised no objection to the access and parking provision. The minimum distance between habitable rooms specified in Policy Q8 is achieved both within the site and to the properties outside the site.

Although there are no trees on the development site are trees adjacent to the site in the recreational field and countryside to the east and south of the site. An arboricultural report has been submitted to support this application that has all the trees identified, their canopy and the area of root protection. The plan identifies the area where sympathetic working

should be undertaken. The plan demonstrates that the development can be undertaken without detrimentally affecting the mature trees. Some morning shade cast will affect the rear gardens of properties 17 – 21 but Officers consider that this is of a moderate impact on residential amenity. The proposal is therefore considered to be in accordance with Policy E14.

The development proposes less than 25 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard condition to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 can be addressed in the same way.

The final issue relates to concerns raised by the objector. His concern relates to this outline application preventing a comprehensive redevelopment of his land and this application site. Officers consider that they have a requirement to consider the planning application that is before them. Secondly he is concerned that the illustrative layout shows two properties, plots 11 and 12 having a front elevation that face his land. Officers consider that these properties face the existing property on the objectors land at a facing distance that complies with Policy Q8. In addition the provision of properties fronting onto the lane provides an attractive streetscape and some natural surveillance of the lane. The submitted sketch schemes are indicative layouts only as the application is in outline with all matters reserved.

CONCLUSION

In conclusion, Officers recommend approval for the application for the outline application for 21 dwellings. The site mainly lies within the settlement boundary and the area of land which is outside the settlement boundary is considered to be a justified departure from policy. The illustrative scheme showing the layout of the residential development, design, materials, access and parking is considered acceptable. The positioning of the habitable room windows is not considered to be detrimental to the residential amenity of the area. The impact on the trees is considered to be acceptable.

RECOMMENDATION

That the planning application is **APPROVED** with the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall 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. Details of any fences, railings, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
8. Notwithstanding the information shown on the submitted application details of all external lighting, including type, position, size, elevation and level of illumination shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
9. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of Buildings, Open Spaces, or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.
10. The development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a legal agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site or percentage of such offset against partial provision of such on the site.
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. No development shall take place until the tree protection works specified in the report A Pre-development site Arboricultural Report and Arboricultural Impacts Assessment (AIA) submitted with the application including tree root protection, protective fencing, and details of sympathetic working methods have been submitted to the Local Planning Authority and approved in writing. The agreed works shall then be undertaken in accordance with the agreed timescale.

BACKGROUND PAPERS

Submitted Application Forms, Plans

Design and Access Statement

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

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

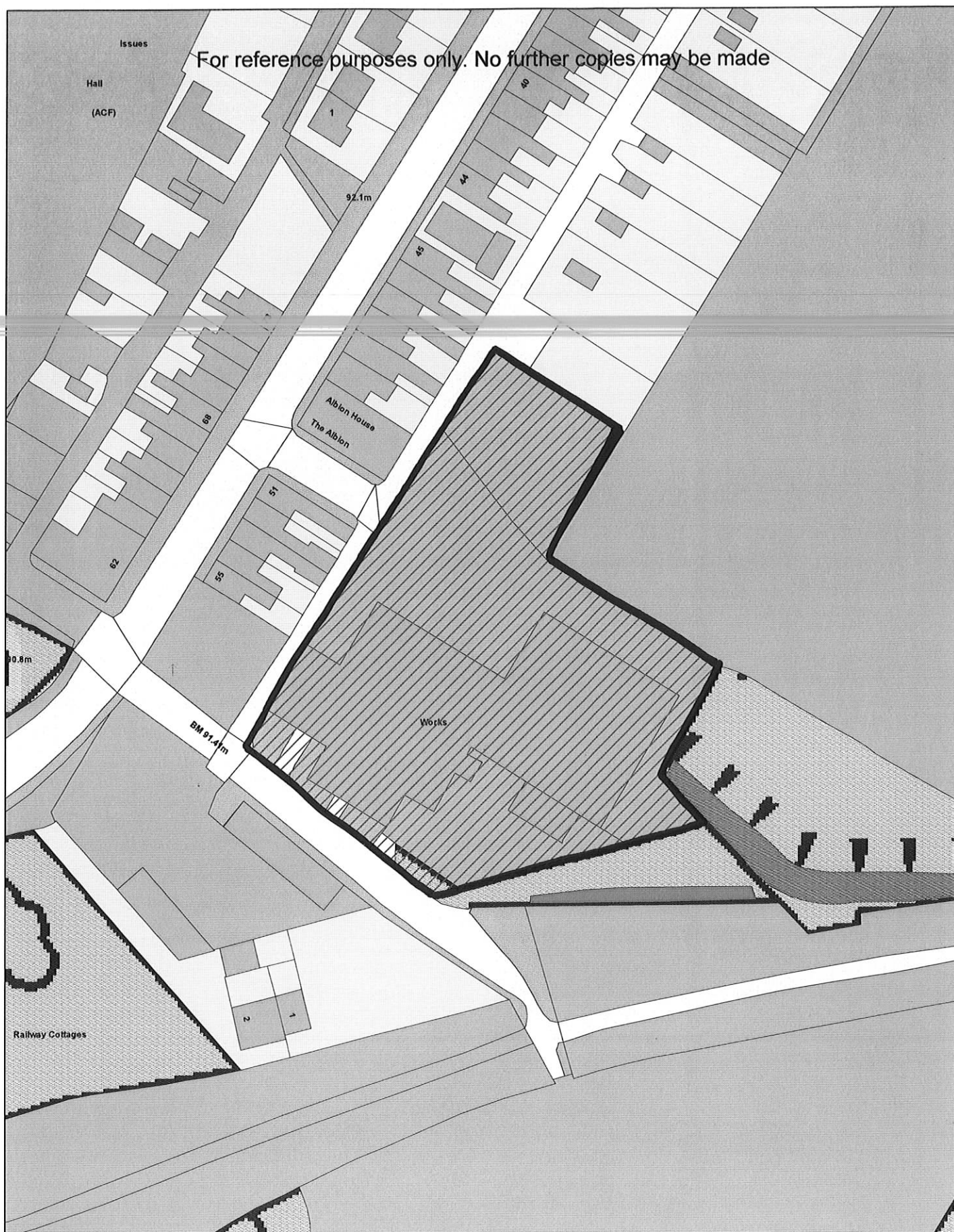
City of Durham Local Plan 2004

Responses from County Highways, County Footpaths

Consultation Responses from Public

Various file notes and consultations

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City of
Durham

Planning Services

Application No. 4/08/00988/OUT
The Works, Station Road, Ushaw Moor

Comments

Date

05 February 2009

Scale

1:1000

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ITEM 3

08/1017/FPA + 08/1018/CAC	Magdalene Heights, Gilesgate, Durham, DH1 1SY
Mackellar Architecture Ltd	Demolition of existing residential dwellings and erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping (revised and resubmitted)

SITE AND APPLICATION DESCRIPTION

This application relates to an existing L shaped residential building forming 4 residential units located in a prominent hill top location in the Gilesgate area of the City, north of the TA centre and Kingdom Hall. The existing dwellings are modern and constructed of painted render with a concrete tiled roof and the building is one and a half storeys in height. The land to the north of the dwelling falls away steeply and the property has clear views over the surrounding countryside. To the east is open land with trees that lie within the green belt. The building is within the City Centre Conservation Area and within the settlement boundary.

The two applications presented here – for planning permission and for Conservation Area Consent – propose the demolition of the existing dwellings and their replacement with a two to three storey block which is proposed to form 10 apartments. The apartments are designed to look like two properties from the front and rear elevations. Ten car parking spaces are proposed to be located to the west of the site.

RELEVANT HISTORY

In 1999 planning permission was granted for a detached pitched roof double garage.

In 2002 planning permission was refused for the erection of second storey pitched roof extension to existing dwelling and provision of 5 no. dormers and 1 no. rooflight to provide 6 bedroom student accommodation annexe.

A further application was approved for a second storey pitched roof extension to existing dwelling with a reduction in the number of dormers to 4 and 2 no. velux windows to provide 6 bedroomed student annex.

In 2007 planning permission was granted for a two storey pitched roof extension to allow conversion of existing building of 4 no. residential units to provide 5 no. residential dwellings with subdivision of existing garden and associated parking and access.

Last year (2008) planning permission and conservation area consent applications were submitted for ten apartments on the site with a different design but the application was withdrawn from consideration.

POLICIES

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

Planning Policy Guidance Note 2: Greenbelts, outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land

safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

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

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

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

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

Planning Policy Guidance Note 14: Development on Unstable Land, explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised. Methods of delivery through development plans and development control are outlined. The role of expert advice is highlighted and various causes of instability are explained and sources of information are given.

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

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

The frequently close link between controls over 'listed' buildings and conservation areas and development control decisions means that development and conservation generally need to be considered together. Part One of the PPG deals with those aspects of conservation policy which interact most directly with the planning system.

These include matters of economic prosperity, visual impact, building alterations, traffic and affect on the character of conservation areas. Part Two addresses the identification and

recording of the historic environment including listing procedures, upkeep and repairs and church buildings.

REGIONAL POLICY

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

LOCAL PLAN POLICIES

Policy E1 (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 E6 (Durham (City Centre) Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

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

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

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

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

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

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

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

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

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

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

In Policy Q8 the Councils standard requirements to ensure the quality of new residential development are set out. Criteria include providing for adequate amenity and privacy for each dwelling, minimising the impact of the proposal upon the occupants of existing nearby and adjacent properties, provision of safe, accessible and attractive open space, retaining existing features of interest including trees and hedgerows, and being appropriate in scale, form, density, and materials to the character of its surroundings, along with making the most efficient use of the land.

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

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

The above represents a summary of those policies considered most relevant in the Local Plan, 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 note the revised car parking layout and considers it is satisfactory for cars to park and turn around on site. The development is accessed from the Carrville link road and that the development shows parking for 10 vehicles which is considered adequate for an apartment close to the centre of the Durham.

English Heritage have raised concerns about the design and consider the latest scheme fails to produce an acceptable development in this location. They consider the proposal is neither good quality pastiche nor high quality contemporary architecture. Therefore they urge the Council to resist this application in its current form.

Northumbrian Water raises no objection.

Durham Bat Group raises no objection as the building on site does not offer opportunities for roosting bats.

PUBLIC RESPONSES

7 letters of objection have been received about the proposed development from local residents. They raise the following issues:

- a) Object that the new building is higher than the existing building and includes chimney pots.
- b) The number of parking spaces is inadequate.
- c) Two letters of objection were submitted which raised concerns about the disruption from the proposed building work in relation to the site traffic and the dirt and noise. Concern that

the building works will affect the sale of the objector's property. Also raised concerns about the shared communal garden and the future maintenance of the land and the trees. The final issue relates to concern that the boundary fencing is also acting as garden retaining walls and details of these are not submitted and no details of their future maintenance.

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

PLANNING CONSIDERATIONS

The site is located within Durham (City Centre) Conservation Area, in a very elevated and prominent position rising high above the River Wear valley and the Area of High Landscape Value. The site is on the edge of a residential area and settlement boundary, bordering the Green Belt to the north and east. An Ancient Monument the Chapel of St Mary Magdelene lies to the east and is visible from the front of the site along the busy A690. It is this setting in the Conservation Area that makes the application site an important and conspicuous one within the Conservation Area.

The key issues to be considered therefore relate to the appropriateness of the works in the context of the Conservation Area, both in terms of the loss of the existing residential building and of the height, scale and massing of the replacement apartments. The impact on the longer range views of the site and the affect on the adjacent area – both natural and built are also important considerations. The effect on the trees needs careful consideration and the impact on the levels of privacy and amenity for the new dwellings and the existing properties adjacent to the site. The principle policies to consider the application against are therefore E6, E22, E14, H2, H13, Q8 and T1 and T10.

As existing, the application site comprises of a large residential property that has been extended beyond recognition over the years. The building is L-shaped and one and a half storeys high when viewed from the road, and two/three storeys from the rear. The building is rendered and painted white and is covered with grey / black concrete tiles. It is of no architectural merit. The terrace gardens fall steeply down to the northern boundary and are surrounded by trees and hedges.

As the existing building is of no historical or architectural merit there is no objection in principle to the redevelopment of this site. Indeed Officers consider that this site provides an exciting opportunity to enhance the Conservation Area with a good quality contemporary or traditional development. To achieve such a scheme Officers consider the height of the new development should be a similar height to the existing development so that the impact of the redevelopment on the surrounding area would not be increased. The land allocated as green belt that lies to the east should be protected in accordance with Policy E1. Additionally the land to the north of the existing residential buildings which steeply falls in level should be retained.

The application consists of the demolition of the original residential property to be replaced by ten apartments and associated parking. The density of the development is approximately 57 dwellings/ha. This is clearly within the urban densities range of 40-75 dwellings / hectare taken from the County Durham Strategic Housing Land Availability Assessment. The height of the new development is similar to the existing building with the buildings being subdivided into two blocks with one being the same height as the existing building and one being 0.85 metres higher than the existing building.

The site is within the settlement boundaries of the City of Durham. Policy H2 of the Local Plan states that new housing development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City. PPS3, Housing states the 'priority for development should be previously developed land' in locations

with good access to jobs, key services and infrastructure. These requirements are met since the development site is previously developed and is close to the City Centre.

The development proposes less than 25 residential units and there is therefore no requirement for any element of affordable housing to be included. A standard condition to ensure inclusion of the required '% for Art' element of the scheme is included. Requirements for open and amenity space, or monies in lieu of such, required by Policy R2 can be addressed in the same way.

The proposed materials of a multi red brick and artificial slates are considered acceptable in this location and the application is conditioned accordingly.

With regard to the design of the apartments a traditional design is proposed which replicates the arts and crafts movement of the 1920's and 1930's. The gabled roof form was used to break up the bulk of the building both on the street and in the distant views of the building from Newton Hall. The design characteristics of this period which are present on this development are:

- Fairly steep gables, however the ridge does not rise unduly above the existing building.
- Strong and heavy overhanging eaves.
- Attractive bargeboards, soffits and finials.
- Solid chimneys to break up the roof line.
- Attractive lead work and detailing to half dormers.
- Timber mullion windows with casement windows well recessed in the openings
- Solid timber doors with attractive timber designed canopies and lead work.
- Attractive timber balconies, fairly traditional and robust in design
- The floor layout broken up to provide a more domestic scale and some relief to the elevations.

Notwithstanding the views of English heritage it is considered by Officers that the building makes a successful attempt to reflect the character of the arts and crafts movement. In addition the interesting configuration of the floor plan combined with the broken up roof formation provides a lively building that has a sense of rhythm and sculptural form. This combined with the correct detailing for the roof, eaves, windows, doors and balconies work quite successfully in the townscape.

Overall, officers consider that the design represents an improvement on the existing development and that it does both preserve and enhance the character and appearance of the Conservation Area.

The car parking to the west of the application site provides a parking layout for ten vehicles which the County Highway Officer considers is a satisfactory number in this location for the ten residential units. The layout provides sufficient space for cars to turn round within the car park and considers the access from a minor residential road leading from Carrville Link Road is satisfactory.

With regard to the impact on the neighbouring properties there are detached and terraced dwellings to the west of the site. A distance of 21 metres is provided from these properties to any habitable room windows. As previously mentioned the topography leads to the development being elevated above the detached properties to the north on Orchard Drive. The minimum 21 metre distance specified in the Local Plan Policy Q8 is met apart from the distance between the rear elevation on 59 Orchard Drive and the apartment block to apartments 2, 5 and 8 where a reduced distance of 20 metres is achieved. The relationship between these properties is at an off set angle leading to little material loss of residential amenity. Officers therefore consider the impact of the development on residential amenity to

be acceptable. Balconies are positioned on the apartments and these generally achieve a distance of 21 metres except to property 59 Orchard Drive as previously mentioned.

A small communal garden is available to the north of the site on an area that is steeply sloping. Access to this area is via steps and the suitability for use is considered to be limited. Small decked areas are proposed with two ground floor apartments, and balconies on the remainder apartments. Although the provision of amenity space is limited it is considered to be in accordance with Local Plan policy Q8.

Policy E14 states that the Council will require development proposals to retain areas of woodland and trees where possible and will require a tree survey to accompany planning applications when development would affect trees. The applicant has submitted an arboricultural survey. It states that 6 trees will be lost by the development and 6 will be affected by landscape work. The City Councils Landscape Architect has considered the application and does not object to the proposed work. A planting scheme is proposed to compensate for the loss of the trees and shrubs.

Policy U14 states that the Council will encourage the use of energy efficient materials and construction techniques. The application states that the buildings have been designed to achieve at least Code 4 if not Code 5 which is an improvement on the current Building Control requirement.

CONCLUSION

In conclusion, Officers recommend approval for the application for 10 apartments. The design, materials, and siting of the development is considered acceptable in this elevated location. The height of the building has been kept generally the same as the existing building and the development is considered to preserve or enhance the Conservation Area. The positioning of the habitable room windows is not considered to be detrimental to the residential amenity of the area. The impact on the trees and landscaping is generally considered acceptable subject to the landscaping condition.

RECOMMENDATION

That the planning application 4/08/1017 is **APPROVED** with the following conditions:

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

4. Details of any fences, railings, walls, gates and doors or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all pedestrian and vehicle hard-surfaced areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme. This must include in particular construction and elevational details of the proposed dormer windows.
7. Notwithstanding the information shown on the submitted plans the proposed windows shall be set at least 150mm in reveal in accordance with details which shall be submitted at 1:20 scale, and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including: (i) eaves, (ii) verges, (iii) chimneys, (iv) ventilation, (v) parapets, (vi) rooflights, (vii) guttering, and (viii) cornice details shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.
9. Notwithstanding the information shown on the submitted application details of all external lighting, including type, position, size, elevation and level of illumination shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
10. 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.
11. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, before the written agreement of the Local Planning Authority to a scheme to make provision for the format, detail, and implementation of either an installation of public art or incorporation of artistic elements into the design of Buildings, Open Spaces, or functional elements of the scheme, to a value equal to 1% of the construction cost of the capital project.
12. The development shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a legal agreement relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within

the application site or percentage of such offset against partial provision of such on the site.

13. 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.
14. Before development commences agreement in writing must be reached on a scheme of construction working hours for the site, specifying start and finish times on weekdays, weekends, and public holidays, with no works of building operations to be carried out outside the agreed times, unless with further written agreement from the Local Planning Authority.
15. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

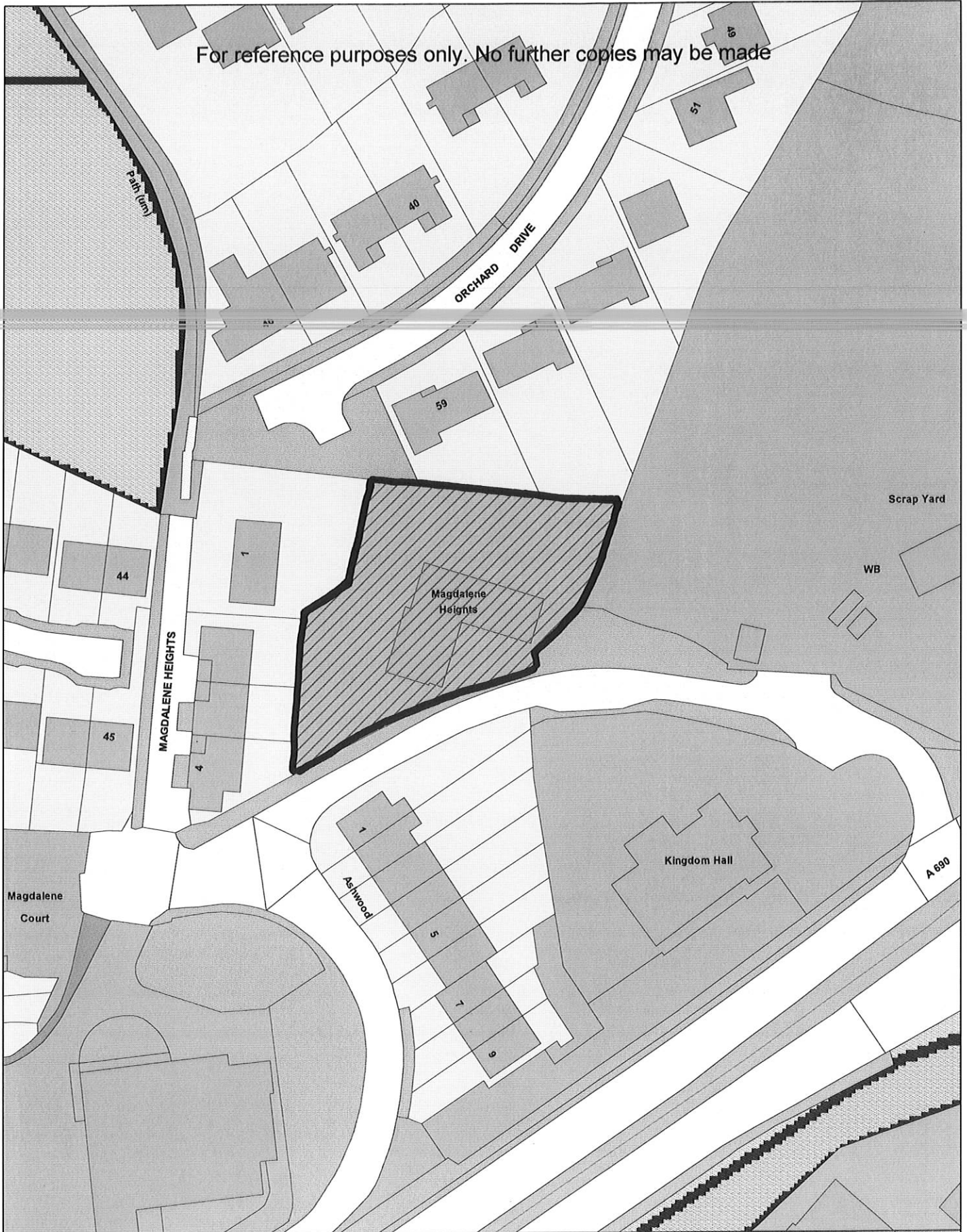
That the application 4/08/1018 for Conservation Area Consent is **APPROVED** for the following reasons:

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

BACKGROUND PAPERS

Submitted Application Forms, Plans
Design and Access Statement
Planning Policy Statements / Guidance, PPS1, PPS3, PPG13, PPG15, PPG16, PPG24
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
Consultation Responses from Public
Various File Notes and Correspondence

For reference purposes only. No further copies may be made



City of
Durham

Planning Services

Application No. 4/08/1017/FPA + 4/08/1018/CAC

Magdalene Heights, Gilesgate, Durham

Comments

Date

05 February 2009

Scale

1:833

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ITEM 4

<p>08/1042/FPA + 08/1044/LB</p> <p>One Leisure</p>	<p>Chapters Of Durham. 72-73 Claypath, Durham, DH1 1QT</p> <p>Change of use and physical alteration of existing restaurant to provide 7 bedroomed residential accommodation with internal alteration and subdivision, removal of hung ceiling and external alteration including 1 no. new window on side elevation, repair of existing roof, 5 no. new rooflights, removal of existing signage and steel handrail to rear garden area</p>
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SITE AND APPLICATION DESCRIPTION

These applications relate to nos.72 and 73 Claypath, the former Traveller's Rest Public House. The joined properties are grade II listed, and situated at the heart of the City Centre Conservation Area. Both properties front Claypath, joined to the adjacent building to the east, with a vehicular access forming the western boundary.

The applications propose conversion of the existing vacant restaurant to 7no bedroom residential accommodation with shared facilities involving the insertion of stud partition walls, removal of existing hung ceiling and removal of the existing rear shed and cassette units. In addition it is proposed to insert 1 no. window on the side elevation, 2 no. windows on the rear elevation, 5 no. rooflights, remove 1no existing dormer window, remove existing signage from the front elevation and install a steel handrail to the tidied rear garden area.

RELEVANT HISTORY

A previous application was submitted in relation to this site in October 2008. The scheme proposed various internal and external alterations in association with the change of use and conversion of the existing restaurant to sheltered accommodation comprising of 9 no. bedrooms with shared facilities, this application was withdrawn. A temporary stop notice was served in relation to the above application with alterations having already commenced within the Grade II listed building prior to any Planning or Listed Building Consent. Work stopped immediately and has not resumed.

POLICIES**NATIONAL POLICY**

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

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

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

- Planning for the growth and development of existing centres; and

- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all.

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

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

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

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

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

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

REGIONAL POLICY

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

LOCAL PLAN POLICY

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

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required

to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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

Policy E23 Listed Buildings seeks to safeguard listed buildings and their settings, controlling alterations and extensions and demolition affecting such.

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

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

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

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

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

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

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

Durham County Highways offered no objection.

The Environment Agency offered no comments on the application.

PUBLIC RESPONSES

Fourteen representations have been received to the applications, consisting of ten from local residents, two from a Residents Groups, one from an adjacent local business, and the City of Durham Trust.

The main thrust of objection relates to the use of the property as sub-divided rented accommodation. Correspondents feel the accommodation to be of restricted size and low grade, questioning the need for such, and assuming that the building either through lack of maintenance or the type of accommodation will fall into disrepair, to the detriment of existing residents, the listed building, and the Conservation Area. An adjacent resident complains over the potential for overlooking, and an adjacent business from the potential of noise intrusion through shared walls. The balance of the local community is raised with reference to census data, national planning guidance and local planning policies, with concentrations of sub-divided properties resulting in noisy and rowdy behaviour, the last use as a pub/restaurant being considered as serving a communities social amenity.

The lack of parking concerns a number of correspondents, with a demand from residents, visitors, service vehicles, and criticism of the City Centre parking scheme.

Objection is raised to the potential for the applicant to profit from the scheme.

Disruption from building works is raised as an objection.

There are four requests for the proposals to be presented to a full Committee meeting.

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 two applications each outline the separate topic areas that must be considered in assessing the proposals. Whilst the issues raised can be considered in isolation, the alterations to the listed building are, of course, to facilitate the change of use. The principal policies against which the application must be assessed are E6 & E22, E23, H2 & H13 of the City of Durham Local Plan 2004, with the main issues potential impact on the character and appearance of the Listed Buildings and Conservation Area, and the principle and impact of the type of accommodation proposed.

Whilst the premises have been used as a public house, and more recently a restaurant, the application proposes conversion back to their original residential use, Claypath being the traditional approach to the City Centre commercial and administrative area from the north, reflected in the mixture of residential, commercial, office and student properties evident today.

The proposed listed building works include internal alterations consisting insertion of stud partitions in order to sub-divide the existing rooms to create bedrooms, a front lounge, kitchen, disabled bathroom and cleaner's cupboard. These alterations are proposed in a manner that retains a degree of the hierarchy of rooms, to be carried out in an ultimately reversible manner without detriment to the character of the Grade II Listed Building. A condition is suggested requiring precise details of the proposed method of fixing of the stud partition walls around the existing cornice and timbers.

The main external alterations consist insertion of a new opening on the side elevation, rooflights on south and east facing roofs, avoiding publicly visible elevations, and changes to the sun-lights on the existing flat-roofed rear element of the building. These elements of the proposals have been designed to minimise the impact of the alterations on the appearance of the listed building, and any impact on the Conservation Area. Officers consider the physical proposals acceptable, subject to conditions to give control over the detail and quality of the scheme, from pipe runs to joinery sections.

The proposed physical alterations to the building are therefore considered by officers acceptable considered against the relevant listed building and Conservation area policies.

This property has been altered considerably over a number of years, with a variety of internal partitions etc. established in association with the various changes in use. The alterations proposed within this application, will in some instances assist in returning some elements to their original appearance, such as the removal of the modern additions to the rear and the re-use of blocked openings etc. In addition many of the alterations proposed, such as the insertion of modern partition walls, are reversible in nature. Removal of the existing signage, and works to make the rear garden a usable amenity space are likewise acceptable and in keeping with the character of the property, and of benefit to the character of the Conservation Area.

The planning application proposes change of use of a building that has been used in the recent past as a public house, and restaurant, uses that have the potential to cause disruption to the surrounding residential environment in terms of both the use, parking demand and servicing. This area of Claypath is a mixed use area where the residential properties of upper Claypath and Gilesgate interface with the commercial edge of the City Centre, and in particular, that relating to the night-time economy.

At the outset it is worth noting that no vehicular provision is made by the scheme. As a City Centre site, closely located to shopping, entertainment, and public transport facilities, the County Highway Authority has been consistent in raising no objection to the proposals, similar to other such developments in the locale. Officers do not consider refusal could be reasonably sustained on highways grounds. The previous uses will of course have generated pedestrian and vehicular traffic from staff, customers and servicing.

Specific objection is raised from the two immediate neighbours on the potential for direct detriment to their amenity from the proposals. The adjacent dentist is physically attached to the application site on the first floor, fearing intrusion from residential noise to the surgery (the ground floor being separated by a passage). A condition requiring sound insulation on the adjoining wall is proposed to address this concern. The occupant of the residential dwelling facing the side of the site across the vehicular access objects to the potential loss of their residential amenity. That property has a fully glazed oriel window serving a main living room at first floor level, along with clear and opaque glazed windows on the second and third floors facing at around 8.3m. One new window is proposed on the ground floor of the development facing this elevation, the objection also referring to the intensified use of two existing facing dormer windows. It could be argued that the close proximity of the two buildings reduces the potential for over-looking to and from the ground floor, with the new window higher on the site giving an indirect relationship. Given that the dormer windows objected to are existing, and could be used as part of the restaurant or for a manager's flat, objection to this element is a matter of degree, and whilst must be fully taken into account, is not felt of sufficient harm to represent refusal in its own right.

The planning application therefore turns essentially on the issues raised in Policy H13 of the Local Plan. Policy Q9, quoted by objectors, relates specifically to the conversion or subdivision of houses and is therefore not relevant. Policy H13 states that planning permission will not be granted for changes of use that have an significant adverse effect of the character of a residential area, or the amenities of residents within them. Again this policy is defined as relating specifically to residential areas, however in a mixed use area including dwellings, such as Claypath, it can be given proportionate weight, and is the most appropriate policy against which to consider the proposals. There is no conflict with Policy H9; the conversion being sufficiently sensitive to the property and its surroundings.

The respective impacts of a public house/restaurant/rented residential property must be taken into account. Proposed residential room sizes and arrangements have been assessed by Environmental Health Officers, who raise no objection to the proposals, and the level and type of accommodation and facilities proposed. The immediate area has a range of residential accommodation alternatives, including rental and freehold houses and apartments of varying size and price. The proposals allow for the reuse of a listed building, for which the

applicant sees a demand in the rental residential sector of the property market for a property whose recent business uses have been transient. There are no reasonable grounds to object to a planning application on the basis of profit for the developer. Objectors make a direct link between the ages of local residents shown in the census, to building tenure, without further explanation or evidence. Durham is a University City with a high proportion of young people. Claypath is a mixed use area, not the 'established residential area' objectors quote from government advice (said advice relating to design issues rather than residential amenity). Officers are of the opinion that in common with any new use, the development will have an impact on neighbours and the local environment, such impact will not be the 'significant adverse' impact described as being unacceptable by Policy H13.

Disruption from the construction and alteration process is outside the remit of the planning system, protected by Environmental Health and Building Regulation legislation.

Having taken into account the impact of the proposals, the implications to the Listed Building and Conservation Area, the effects on residential and business amenity, the principal of the change of use and highways issues, officers consider the two applications, subject to detail control through conditions, to be acceptable.

CONCLUSION

The applications propose continued, alternate use of a prominent City Centre listed building. The proposed physical alterations do not compromise the character of the listed building, and the internal alterations have been amended following consultation with Council officers after the unauthorised works to provide an appropriate layout and hierarchy of rooms, in a form that is ultimately reversible if necessary.

The site is in a mixed use area of residential and commercial premises where different uses are often immediate neighbours. Objection from immediate neighbours can be addressed by condition, or is not considered of sufficient weight to sustain a viable refusal.

The level of highway provision is appropriate to the City Centre location.

The main thrust of public objection is to the principle of rental accommodation. The applicant is not proposing social housing or a residential institution – suggestion of such coming from the poor layout of the national planning forms. Objectors present selective census data, with assumptions, and use incorrect policy, local and national, to represent their objections to the type of residential accommodation proposed. The previous uses of the building have generated a level of disruption and vehicular movement that must be off-set against that likely from the proposals. In a mixed use commercial/residential area, the proposed type of accommodation is considered acceptable, and not contrary to the Council's planning policies. Conditions will be monitored and enforced to ensure a quality of development appropriate to a prominent listed building in a City Centre Conservation Area site, to minimise the potential effects on adjacent property, and to give the Local Authority control over future alteration.

RECOMMENDATION

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

4/08/01044/LB

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 plans details of the design of the sash windows 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.
5. 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 installation, 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
6. Notwithstanding the information shown on the submitted application, precise details of the proposed new disabled access ramp and handrail to include details of the proposed, design, material, method of construction and installation shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme
7. Notwithstanding the information shown on the submitted application details of the proposed stud walling, to include details of their location, structure, construction, thickness, method of attachment and extent shall be submitted at scale 1:20 and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme..
8. Notwithstanding the information shown on the submitted plan full joinery details including precise details of the proposed internal doors, door frames, skirting boards, proposed fenestration etc. 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.
9. Notwithstanding the information shown on the submitted application, precise details of the proposed ceiling treatment and finish to include precise details of the proposed junction between the modern partition walls and the historic ceiling structure and the treatment of those areas of historic ceiling structure shall be submitted at scale 1:5 and approved in writing by the Local Planning Authority before development commences and thereafter implemented in accordance with the approved scheme..

10. Notwithstanding the information shown on the submitted plan precise details of the proposed design, scale and appearance of the external handrail 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.
11. 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.

4/08/1042/FPA

Conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Development must not be commenced as a material operation until a scheme of noise insulation between the proposed development, and the adjacent dentist surgery has been submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the agreed noise insulation scheme.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. No further subdivision of the accommodation approved, or use of rooms not demarked as bedrooms on the plans for such shall be implemented without the grant of further express consent by the Local Planning Authority.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

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

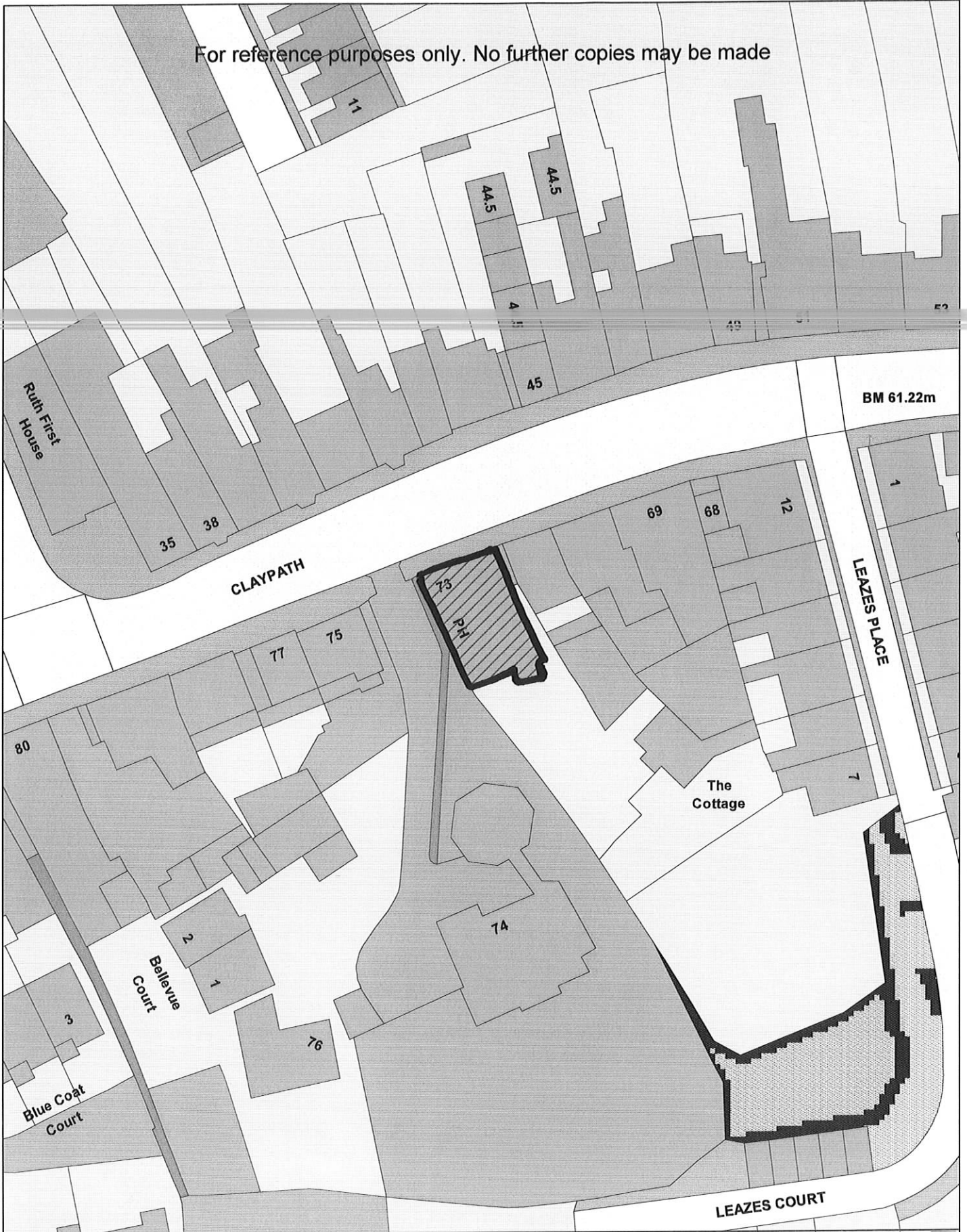
City of Durham Local Plan 2004

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

Responses from County Highways, Environment Agency

Public Consultation Responses from local residents, residents groups, a local business and the City of Durham Trust

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City of
Durham

Planning Services

Application No. 4/08/1042/FPA + 4/08/1044/LB
Chapters Of Durham, 72-73 Claypath

Comments

Date

05 February 2009

Scale

1:625

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ITEM 5

08/1092/FPA	Land Opposite Church Street, Coxhoe, Durham
Coxhoe Banner Group	Erection of mining memorial, comprising half pit wheels, plinth mounted, set behind hard surfaced area with dwarf walls and fixed coal wagons

SITE AND APPLICATION DESCRIPTION

The application relates to a rectangular parcel of land located within a larger area of open space. The open space fronts onto Church Street which runs through the centre of Coxhoe and is adjacent to St Joseph's Roman Catholic Church. The open space contains a central belt of trees.

The application seeks to construct a mining memorial. The main feature of the memorial shall be two reclaimed half pit wheels bolted onto a raised plinth. To the front of the pit wheels a brass plaque is to be set onto the plinth with the names of those who have lost their lives whilst working in the local mines. The memorial is to have a brickwork perimeter enclosing a hard surfaced area upon which two reclaimed coal tubs shall be sited.

RELEVANT HISTORY

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

POLICIES

NATIONAL POLICIES

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

Planning Policy Guidance 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.

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

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

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

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

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

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 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 www.durhamcity.gov.uk.

RESULTS OF CONSULTATION AND PUBLICITY

STATUTORY RESPONSES

No objections have been received raising concern over any highway safety concern with regards to vehicles. However, a query is raised with regards to the implications of potential surface water run-off from the block paved area within the memorial toward the highway.

PUBLIC RESPONSES

One letter of representation has been received from Coxhoe Parish Council. The Parish Council state that they do not object to the principle of the mining memorial, however, they are concerned with the proposed location. The Parish Council state that as part of a master plan for the village a new GP surgery is desired and that they would not want to see the potential for the further development of the open space in line with the master plan aspirations compromised by the location of the mining memorial. The Parish Council consider that the memorial must remain part of the master plan for the village and that a more suitable site may be on the corner of Petterson Dale and although it is understood there may be issues with underground services within this area, the site should nevertheless be considered. The Parish Council consider that the proximity of the proposed site of the memorial to the traffic calming measures on the highway may distract motorists. The Parish

Council requests a Planning Committee site meeting between all stakeholders and that the application be deferred to allow time for further consideration.

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

PLANNING CONSIDERATIONS

In accordance with Policies C8, E5a, E14, H13, T1 and U8a the main planning considerations relate to the acceptability of the principle of the development at the site, the appropriateness of the siting and appearance of the proposal, impact upon the character of the area, impacts upon nearby trees and highway safety.

The proposed mining memorial is located within the settlement boundary of Coxhoe. Although located on a section of open space, the proposal will occupy only a small section of a much larger open green space within the village. The memorial is to be dedicated to those who lost their lives whilst working in local mines. The memorial is considered a fitting addition to the centre of the village. Subject to the appropriate use of materials, which is conditioned, the memorial will create a feature within the section of open space and shall enhance the appearance and use of the area. No objection is therefore raised to the proposed location or appearance of the memorial.

The proposed memorial is located off Church Street with retail premises on the opposite side of the road and St Josephs Church located to the south-east. Large separation distances exist to residential properties and no harm to the amenity of nearby local residents is considered to occur.

There is a tree line located toward the centre of the large open space within which the application site is located. However, the trees are located a significant distance away from the siting of the proposed memorial and no works to the trees are proposed or are deemed necessary.

The Parish Council are concerned that the proposed siting of the mining memorial may cause a hazard to highway safety given the proximity to traffic calming measures. However, the site chosen is located adjacent to a straight section of road and away from the roundabout where Petterson Dale and Church Street meet and main junctions in the village. Visibility from passing vehicles shall therefore be unhindered reducing concern regarding highway safety. The County Highway Authority have raised no concerns with regards to highway safety as such, however, a query has been raised regarding the run-off of surface water from the block paving which is immediately adjacent to the highway. A condition is attached which requires that details of a permeable hard surface is agreed with the Local Planning Authority. It is considered that this shall resolve such drainage concern.

The Parish Council are also concerned that the proposed siting of the mining memorial will jeopardise other development proposals within this section of open space as part of a Coxhoe master plan. Such development may include the provision of a new GP surgery and the Parish Council consider that an alternative site for the memorial should be sought to allow both projects to come into fruition. However, at this stage the Local Planning Authority must consider this planning application on its own individual merits and weight cannot be attributed to the impact of the memorial upon a potential future development which has not been formally submitted and does not form part of the statutory Development Plan. As a result no objection to this planning application can be raised on the grounds that the siting may impact upon future development prospects.

CONCLUSION

The Local Planning Authority considers that the siting and appearance of the proposed mining memorial is appropriate and will serve as a feature for the centre of Coxhoe village. The location and design of the memorial will not cause harm to the amenity of nearby residents or highway safety. As a result the proposal is considered to accord with relevant Policies C8, E5a, E14, H13, T1 and U8a of the Local Plan and as a result gains officer support.

RECOMMENDATION

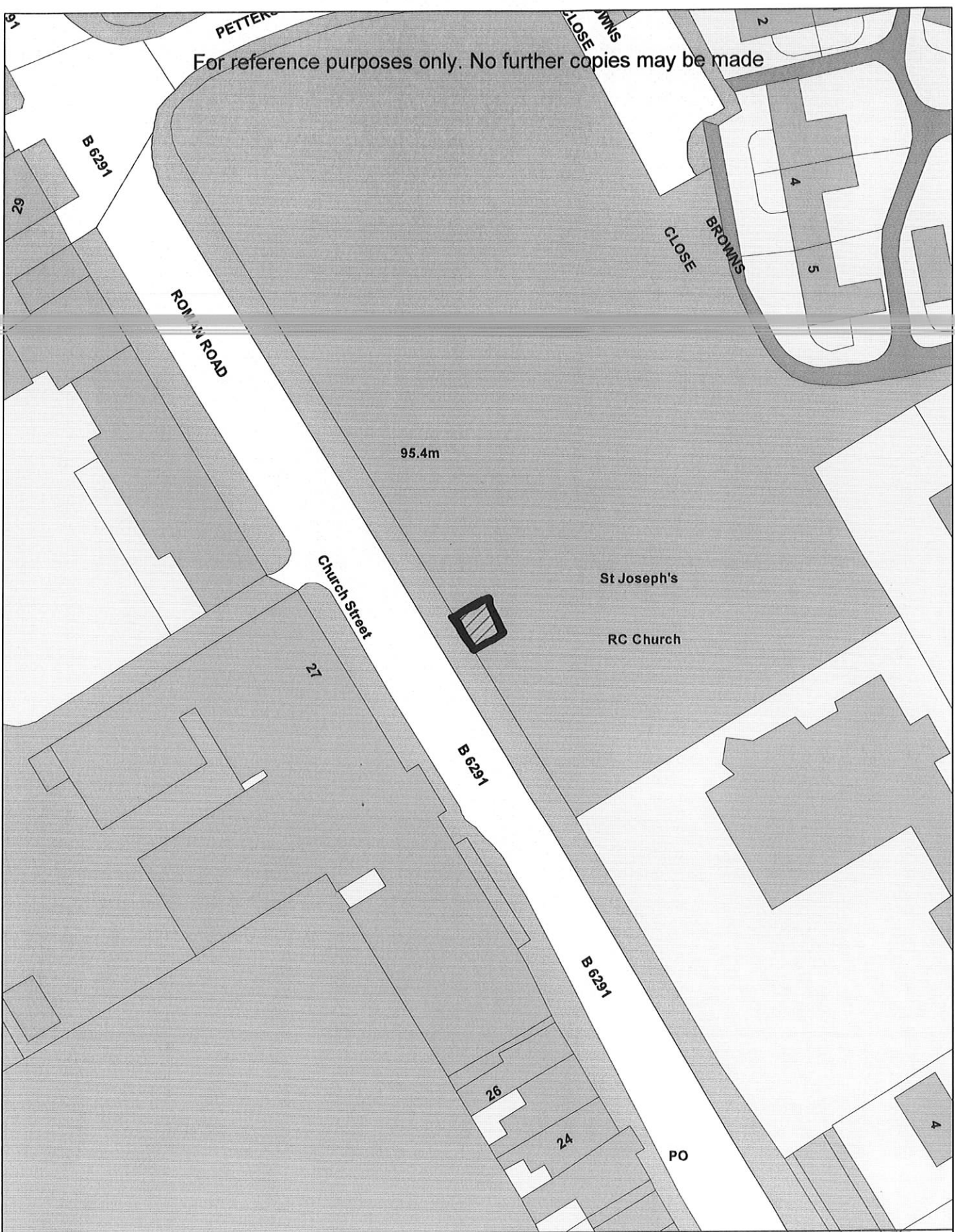
That the application be **APPROVED** subject to the following conditions:

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

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
Planning Policy Statement 1 and Planning Policy Guidance Note 13
The North East of England Plan - Regional Spatial Strategy to 2021
City of Durham Local Plan 2004
Government Circular 11/95 (Use of Conditions)
Response from County Highway Authority

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City of
Durham

Planning Services

Application No. 4/08/1092/FPA
Land Opposite Church Street, Coxhoe

Comments

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