



Area Planning Committee (Central and East Durham)

Date Tuesday 1 February 2011
Time 1.00 pm
Venue Council Chamber, Easington Council Offices

Business

Part A

1. Minutes of the Last Meeting held on 11 January 2011. (Pages 1 - 4)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central & East Durham). (Pages 5 - 92)
4. Appeal Update. (Pages 93 - 94)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

24 January 2011

To: **The Members of the Area Planning Committee (Central and East Durham)**

Councillors C Walker, J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, M Dixon, D Freeman, S Iveson, R Liddle, J Moran, M Plews, K Thompson and B Wilson

Contact: Paula Nicholson
Tel 0191 3727655

Email:
paula.nicholson@durham.gov.uk

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at County Hall, Durham on **Tuesday 11 January 2011**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors B Arthur (Substitute for R Liddle), J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, S Iveson, A Laing (Substitute for M Plews), J Moran and K Thompson.

Apologies for absence were received from Councillors R Liddle and M Plews.

A1 Minutes

The Minutes of the meeting held on 14 December 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

There were no declaration of interest submitted.

A3 Applications to be determined by the Area Planning Committee (Central & East Durham)

- (a) **4/10/00705/FPA – Durham Villages Regeneration, Land at Colliery Road, Bearpark, Durham
Erection of 12 no. Residential Dwellings (Phase 2) with Associated Access, Parking and Landscaping**

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report.

- (b) **PL/5/2010/0419 – Mr C Burnip, Former Scrap Yard, Black Lane, Wheatley Hill
Extension of Time Limit for Implementation of Planning Permission Ref No. PLAN/2007/0508 for 26 No. Houses and Associated Works**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report.

**(c) PL/5/2010/0471 – Mr G Angus, The Cottage, Rear of Crimdon Terrace, Blackhall
Conversion and Extension of Existing Building**

The Principal Planning Officer advised the Committee that this application had been withdrawn from the agenda for the meeting.

**(d) PL/5/2010/0491 – Miller Homes Ltd North East Region, Former Vane Tempest Club, New Drive, Seaham, SR7 7BX
Residential Development Comprising 52 No. Dwellings**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Mr Armbrister an objector speaking on behalf of Seaham Harbour Cricket Club, Anglo Saxon Church and the Community of New Drive, Seaham indicated that the Cricket Club were concerned that cricket balls from the club could damage property and injure people within the new development resulting in a claim. This concern had been raised with the planning department and they had recently met with Miller Homes to obtain information on liability. They asked if the builder would erect some netting to prevent any damage and if an undertaking could be provided so that the Cricket Club were not held liable in the event of any damage caused by cricket balls. If these issues could be resolved then Seaham Cricket Club would have no objections to the application.

Mr Armbrister also indicated that they would like to see all the dirt track road made up to an acceptable level with lighting and a pathway as at present it was not safe and the road was very busy which lead to various places.

The Solicitor advised the Committee that liability with regard to the cricket balls was not a matter for planning but was between the Developer and Seaham Harbour Cricket Club.

The Principal Planning Officer also advised the Committee that the Developer was not responsible for the road beyond the development site but discussions had taken place with the Developer and it was believed that they were prepared to tarmac the road to the Cricket Club but this could not be included as a planning condition.

Members indicated that they would have liked a condition imposed to erect some netting but understood that this could not be achieved as it was a matter between the Developer and the Cricket Club but asked that the Planning Officer take this up with the Developer and ask if netting could be provided.

Councillor Bleasdale raised concerns as to where the play equipment would be located. The Principal Planning Officer indicated that neither of the play equipment would be on site but he believed that new procedures were in place where bids would have to be placed which would involve community consultation to take place.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report.

- (e) **PL/5/2010/0503 – Mr J Wallace, 1 Cook Way, Peterlee, County Durham, SR8 1HY
Rear Extension to Create Cold Store**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report.

A4 Appeal Update

Appeal Decisions

The Principal Planning Officer (Durham City Area Office) and the Principal Planning Officer (Easington Area Office) gave details in relation to the following appeals, which had been considered by the Planning Inspectorate:

- (i) **Site at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF**

An appeal had been lodged against the Council's refusal to grant planning permission for subdivision of vacant public house to form 1 no. A1 retail unit and 1 no. A5 hot-food takeaway, with elevational changes to front of building, and erection of extraction flue to rear at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.

- (ii) **Site at 15 Brockwell Court, Brandon, Durham, DH7 8QX**

An appeal had been lodged against the Council's refusal to grant planning permission for the retention of decking to rear of existing dwelling at 15 Brockwell Court, Brandon, Durham, DH7 8QX.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.

- (iii) **Site at Land to the rear of Waycot, Wingate Road, Trimdon Station, TS29 6AR
Planning Reference- PL/5/2010/0311**

Appeals had been lodged against the Council's refusal of planning permission and an Enforcement notice for the part retrospective change of use to caravan site for occupation by gypsy-traveller family with associated

development including hard standing, access road, septic tank, small utility building and landscaping.

The development was refused as it was considered that the junction of the access road leading to the application site with the C22, Wingate Road, was sub-standard in terms of its alignment and the available sight lines, and that coupled with the increase in traffic movements at this junction would be detrimental to highway safety.

The appeals were to be dealt with by means of a hearing, and members would be informed of the outcome in due course.

**(iv) Site at Weems Farm, Mickle Hill Road, Hesleden, TS27 4PY
Planning Reference PL/5/2010/0359**

An appeal had been lodged against the Council's refusal of planning permission for the retrospective increase in height of an extension at the site.

The proposal was refused as the development by virtue of its excessive size, scale, height and massing constituted an incongruous and prominent feature that was not in keeping with the scale and character of the existing dwelling. It was also considered that the development adversely impacted upon the character and appearance of the surroundings and the countryside.

The appeal was to be dealt with by means of written representations, and members would be informed of the outcome in due course.



AREA PLANNING COMMITTEE
(CENTRAL AND EAST DURHAM)

REPORT OF HEAD OF PLANNING SERVICES

1 February 2011

3. APPLICATIONS TO BE DETERMINED

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
PL/5/2010/0525 Walkers Snack Foods (Distribution) Ltd	Stephenson Road, Peterlee	High Bay Extension to Distribution Centre	APPROVE Page No. 1 - 16
PL/5/2010/0530 Mr & Mrs P Wayman	Tweddle Farm Filpoke Lane Blackhall TS27 4BT	Additional Facilities To Animal Farm To Include Childrens Amusement Park, Involving Indoor And Outdoor Pedal Go-Kart Tracks, Indoor Play Building, Outdoor Play Equipment And Use Of A Former Railway Carriage As Play Area Shelter; Erection Of Buildings, Animal Shelters And Pens Associated With The Keeping Of Domestic Farm Animals And Non- Exotic Animals And Native Bird Species; Enlargement Of Existing Ponds, Provision Of Associated Visitor Facilities Including Cafe, Gift Shop And Additional Visitor Car Parking (Retrospective)	APPROVE Page No. 17 - 26

PL/5/2010/0540 Mr B Armstrong	Land Adj The Bungalow Brackenhill Avenue Shotton Colliery	5 No. Dwellings And Associated Works	APPROVE Page No. 27 - 34
4/10/812/VOC Crosby Homes Yorkshire Ltd	Sheraton House Off Darlington Road Nevilles Cross Durham DH1 3SS	Variation of condition 10 of planning permission 4/10/223 to enable provision of alternative construction site access arrangements	APPROVE Page No. 35 - 43
4/10/845/FPA Mr S Williams	Land West Of 4 South Terrace Framwellgate Moor Durham	Erection of 2 no. dwellings with associated parking together with upgrading of access from Front Street (revised and resubmitted)	APPROVE Page No. 44 - 55
4/10/891/FPA And 4/10/892/LB St Johns College	Land To Rear Of 4, 5, 6 And 7 South Bailey, Durham	Demolition of existing library building and erection of 2 no. two and a half storey student accommodation blocks (66 rooms) to rear of existing university accommodation with associated works to existing buildings	APPROVE AND MINDED TO APPROVE Page No. 56 - 78
4/10/898/FPA Mr J Collinson	3 Smith Close Sherburn Durham DH6 1RG	Erection of two storey pitched roof extension to front of existing dwelling (revised and resubmitted)	APPROVE Page No. 79 - 85

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(a)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0525
FULL APPLICATION DESCRIPTION	HIGH BAY EXTENSION TO DISTRIBUTION CENTRE
NAME OF APPLICANT	WALKERS SNACK FOODS(DISTRIBUTION) LTD
SITE ADDRESS	WALKERS SNACK FOODS LTD, STEPHENSON ROAD, PETERLEE SR8 5AX
ELECTORAL DIVISION	PETERLEE EAST
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The Walkers Snack Foods site is located on the northern boundary of Peterlee, south of Easington. Between the site within the North East Industrial Estate and Easington is Little Thorpe village and a green band that is designated as an Area of High Landscape Value (AHLV).
- 2 Easington is elevated considerably from the Walkers Snack Foods site, and the AHLV stretches from the ancient woodland on the coast to the A1086 (Thorpe Road) which connects to the A19 northbound. The site itself is sheltered from its surroundings by a number of trees along the north, east and west boundaries as well as being lower than the level of both Essington Way and Thorpe Road that bound its perimeter. To the west of the site, across Essington Way, there is an ambulance station, petrol station and Essington House, beyond these buildings is a nursery, playing fields and farmland. Further west is the main road linking Peterlee to the north and south, the A19. To the south is the industrial estate and residential properties, to the east is more industrial estate, housing, cemetery and farm land.
- 3 The Walkers Snack Foods site has developed over a number of years. The area of the site subject of this planning application is currently an existing lorry park and mound of earth to the north of the current warehouse.

- 4 The existing factory and warehouse are constructed using metal cladding in goose wing grey with poppy red banding and edging. The existing warehouse is approximately 17m high from ground level, though it is considerably hidden by trees and is lower than the road level. There are a number of trees on the northern part of the site, these currently screen the factory and warehouse and minimise its impact upon the Area of High Landscape Value and surrounding buildings.
- 5 The existing buildings on the site vary in size and range from single to roughly three storeys in height, the factory is on the eastern half of the site whereas the existing warehouse sits on the western half of the site. There is a lorry park to the north of the warehouse and a green triangular piece of land that has mature trees and electricity pylons on it.

Proposal:

- 6 Planning permission is sought for the erection of a new high bay warehouse, and extension to existing offices, the re-location of the existing lorry park and associated access and landscaping works on the site. The existing site boundary is to be retained and the location of the proposed high bay warehouse is on the north elevation of the existing warehouse. The lorry park is to be relocated to the north of the new warehouse, replacing an existing mound of earth left over from previous construction projects on site.
- 7 The planning application also proposes an extension to the ground floor office and staff facilities on the east elevation of the existing warehouse. The first floor extension is to be constructed to be similar to the existing warehouse. Within this new first floor extension is further office, meeting and IT space with new general access stair, platform lift and fire escape stair.
- 8 There will also be some upgrading of the external works to the south HGV entrance off Stephenson Road where a new turnstile and gate for staff and visitors will be constructed. This will enhance the security of the site, and pedestrian safety will be increased with the inclusion of a new footpath as shown on the proposed site plan.
- 9 The new warehouse will connect to the existing warehouse building as an extension, although it will be of a different design and finish. It will provide a much increased storage capacity which in turn will allow Walkers to use the Peterlee site as a distribution hub. The new high bay warehouse is 26m in height to the top of the parapet, has a length of 93.7m and a width of 49.4m. It has been designed to accommodate the function of an efficient distribution utility for the storage of products. The height of the building has been determined by the logistical strategy and has been reduced by 4m during design development. The existing warehouse that the proposal extends is 17m in height; so there is a significant height difference of about 9 metres between the two.
- 10 The new building is to be clad using insulated cladding panels fixed directly to a clad rack structure. The clad rack structure provides both an efficient structural frame and racking system in one with automated operating procedures. There are no window openings to the warehouse, there are some smoke ventilation units on the roof, some fire escape doors and two docking bays at ground level. The rest of the elevations are solid. The new warehouse has only one level and is set at the same finished floor level as the existing warehouse, the floor area is 4455m² (the floor area of the new warehouse is less than the size of the existing).

- 11 The new first floor office extension has an internal floor area of 300m², this extension will create new meeting, training and IT rooms as well as additional office space. The construction of this space will match the existing office building, all colours and finishes will be to match the existing. Within this space a general access stair and platform lift will create the primary access from the existing office entrance.
- 12 The existing lorry park will be relocated to the north of the site with an approximate area of 4170 m². This space will include 2no. docking bays and 25no. lorry parking bays, also within this area is a jet wash in the north west corner and fuel tank and ad-blue in the south west corner of the lorry park. The relocation of the lorry park to the north requires displacement of some earth that has amassed during previous construction projects on site. Some of this earth will be used within the new landscaping proposals, the left over earth will be sent to landfill or re-used within the site boundaries.
- 13 A new entrance turnstile and gate is proposed to the HGV entrance on the southern boundary, with a new pedestrian access route to the offices attached to the existing warehouse. The new access control turnstile and gate for pedestrians will be in similar materials to the existing security fence on site and will be integrated within the existing HGV entrance.
- 14 The existing landscaping will be retained where possible, though a temporary construction access road from Essington Way will be required in the north west corner of the site which will involve the removal of some trees and a section of hedge. Once construction works are complete, this area of land will be reinstated to match existing planting and incorporated into the proposed landscaping schemes. The new landscaping will be primarily to the north and west of the proposed warehouse and lorry park.
- 15 The external lighting design will be similar to the existing warehouse structure; there will be perimeter lighting for the building that will be mounted to the façade and lighting columns for the lorry park. The lighting will be designed so that there will be a minimum of light spill out of the site boundaries, similar to the high standards of lighting design set out by the existing warehouse.
- 16 Access to the site is gained via Essington Way from the south and Thorpe Road from the north. The two car parks are accessed via Stephenson Road. Lorries access the site via Stephenson Road at the centre of the southern boundary, the lorries exit the site via a loop to the north from Stephenson Road. The lorries will then access the A19 via either Essington Way or Thorpe Road depending on whether they are travelling north or south. There will be no change to the existing pedestrian and vehicular access as a result of the proposed planning application. Internally pedestrian access will be improved to allow access control from the western staff/visitor car park to the warehouse and offices.
- 17 As a result of the proposed works the current use of the site will remain unchanged, as the lorry park is relocated and the new warehouse increases the storage and distribution capacity of the site. The new warehouse sits within an existing factory and warehouse site, the site owned by Walkers Snack Foods Ltd is located within the North East Industrial Estate in Peterlee. The new high bay warehouse will be open 24 hours a day, 365 days a year and will be closed only on Christmas Day. There will be no additional noise associated with the new warehouse as the

automated machinery inside runs at a low noise level. The new warehouse will create only 13 new lorry movements a day.

- 18 The application is reported to the Committee as it constitutes major development due to the scale of the increased floor space.

PLANNING HISTORY

None relevant.

PLANNING POLICY

19 NATIONAL POLICY:

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

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

20 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.

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

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

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

21 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The

location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 53 - General industrial estates are designated for B1, B2 and B8 uses at Peterlee North East, Peterlee North West, Peterlee South West and Dalton Flatts, Murton. Retail will be allowed in accordance with policy 105.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

22 STATUTORY RESPONSES:

Highways Agency – It is understood that the application is for a High Bay Extension to a distribution centre, owned by Walkers Snack Ltd. The development increases the size of the site but does not increase the number of employees, and only increases the number of HGV movements in total by 13 per day. Having fully considered the impact of the proposal we have no objection to the above development being granted planning consent.

Environment Agency – Original concerns were raised regarding the potential of the proposed development to cause pollution to controlled waters. However, following submission of new information during the application process the original objection has been withdrawn. No objections subject to conditions relating the surface water management, use of drainage interceptors, and unknown contamination.

East Durham Business Service – The Business Service fully supports this initiative as it makes Peterlee a key distribution hub within the Group's manufacturing operations. I note the fact that vehicle movements will be only marginally increased due to more efficient links between manufacturing and distribution centres. Walkers is a valued employer within the area and this investment and development will help to cement its operations in Peterlee.

23 INTERNAL CONSULTEE RESPONSES:

Planning Policy – Relevant national and local plan policy encourages local authorities to be mindful of the potential of economic benefits of such applications. However any economic benefits need to be carefully weighed against the importance of protecting and enhancing the quality, character and amenity value of the countryside and urban areas as a whole. This proposal will undoubtedly have a significant effect on the visual amenity of surrounding

communities both in Peterlee and also in Easington and Littlethorpe, as well as the users of the surrounding countryside. As such careful consideration should be given to the potential visual and amenity impacts of the proposed works. Any design modifications that would reduce this impact should be fully explored.

Highways Authority – On the basis of the information submitted in support of the application, the proposals would be deemed to be acceptable from a highways point of view.

Design and Conservation – No objections to the proposed development subject to a condition being attached to any grant of planning permission requiring further discussion and agreement in relation to the materials and pattern to be used for the exterior of the building. Such a condition would allow Officers to test the effectiveness of the proposed finishes in mitigating the visual impact of the development in the context of a wider landscape setting.

Landscape – Due to the size of the proposed extension there will obviously be an impact on the landscape. However it is accepted that due to the size of the building no mitigation measures will usefully screen the development. Therefore it is considered that the proposed development may be acceptable subject to conditions requiring: further discussion and agreement in relation to the materials and pattern to be used for the exterior of the building; control over external lighting; further landscaping works around the site; and, a restriction on advertisements being displayed on the side of the proposed building.

Trees – No objections subject to replacement planting and tree protection works being secured through the use of appropriate planning conditions.

Ecology – No objections subject to mitigation measures outlined in the submitted Ecology Report being conditional of any grant of planning permission.

Environmental Health – No comments.

24 PUBLIC RESPONSES:

The application has been advertised in the local press and through the erection of 13 no. site notices over a wide area, around the application site. Neighbour consultation letters have also been sent. Two letters of representation have been received in relation to this application. Objections have been raised on the following grounds:

- Impact on the amenity of adjacent residents; through the loss of, or impact on existing views.
- Impact on residential amenity through the increase in noise and traffic associated with the development.

25 APPLICANTS STATEMENT:

Walkers Snack Foods Ltd is part of PepsiCo Inc and is a successful and growing business that requires optimisation of its supply chain and an increase in the local storage capacity within its logistics network. The Peterlee site is strategically located to serve customers in the north of England, the Midlands and Scotland, it will also become a key route for distributing Quaker Oats products from Cupar in Scotland throughout England.

This phased investment proposal is for a new automated storage warehouse built to the rear of the existing distribution centre followed by a new first floor office extension over the existing warehouse offices providing training rooms, meeting rooms and IT rooms.

The proposed new storage building is required to hold an increasing production volume and growing variety of product ranges including various oat based products from the Quaker Oats manufacturing plant in Cupar, Scotland and Walkers Extra Crunchy manufactured in Peterlee.

This shall be a highly automated warehouse with a capability to hold a further 9,500 pallets of product ready for sorting, order picking and delivery to our customers. To maximise efficiency the warehouse shall be constructed with a clad-rack structure, the external envelope fits direct to the racking and is very efficient, reducing the buildings dimensions to a traditional structure. The building shape and size is a direct result of the pallet storage volume, racking design and product throughput; this has been carefully calculated to provide the optimum solution.

The external elevation treatment has been considered carefully, a number of options were considered prior to the planning application being submitted. This internal design review process looked at the various options of the elevations and testing them against each other for their visual impact and aesthetic values. The options varied considerably, from horizontal banding of colours to vertical banding. Some options used a less formal approach to coloured panels to either play down the corners of the proposed building or mimicking the tree-line by the use of green and darker panels.

The design team agreed that the chequer-board pattern would provide a subtle aesthetic that would reduce its visual impact from distance and provide interest up close. Due to the amount of trees surrounding the site the effect of the discarded options would have been reduced if seen at all from some areas.

Internally the automated process of the storage system will reduce inefficient vehicle movements between our existing Distribution Centres and the periodic requirement for off site third party storage and the associated intermediate vehicle movements. We have considered several options to make this significant investment either at Peterlee, at one of our other sites or even at a new location, but after careful analysis we currently propose to expand the Peterlee Regional Distribution Centre site.

Detailed consultation and planning has carefully developed our proposal that creates a state of the art logistics facility, taking full advantage of modern technology and operating methods to minimise the environmental impact both locally and nationally.

Despite significantly increasing the storage capacity this investment will only marginally increase the number of lorry vehicle movements required. This initiative delivers an overall reduction in lorry kilometres travelled by reducing inefficient intermediate movements between other Distribution Centres and third party storage facilities. Thereby reducing traffic congestion, energy consumption and vehicle pollution.

This investment is the largest capital investment project for the business in 2011 in the UK and will strengthen our business and our logistics capability and will also generate more business for our local and national suppliers.

Crisps have been manufactured on the Peterlee site since the 1960's and Walkers currently employ approximately 500 people from the local community, our steady growth and investment has created local jobs and developed strong ties with many local businesses and other local community organisations.

Walkers look forward to the continued cooperation and support of the local community for its future business success, which creates a platform for successful working partnerships with local industry and meaningful support for the local community.

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 <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111511> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The proposed development relates to an existing employment use situated within an established Industrial Estate. Due to the size of the proposed extension, the development will have an impact on the character of the area and surrounding landscape, such impact needs to be balanced against the economic benefits that the proposal offers for the area. Therefore the key issues to be considered in determining this application are:

- Planning Policy and the Principle of Development
- Landscape Impact
- Residential Amenity
- Trees and Ecology
- Highways
- Economic Benefits
- Renewable Energy

26 Planning Policy and the Principle of Development

The site to which this application relates is situated within an established industrial estate as allocated in the District of Easington Local Plan. The site is therefore considered to represent an appropriate location for this type of development in accordance with policy 53 of the local Plan. The business to which the application relates is long established in Peterlee, and it is considered that the proposed works are in keeping with the existing use of the site and surrounding properties.

However, the application site is situated to the south of an Area of High Landscape Value (AHLV) as identified in the Local Plan. As the proposed extension is to be significantly taller than the existing buildings on the site, the impact of the development on the wider landscape needs to be considered further.

Therefore subject to consideration of Landscape impact the proposed development is considered to accord with the relevant development plan policies.

27 Landscape Impact

Due to the height of the proposed warehouse extension the proposed development will have a wider landscape impact than the existing buildings associated with the Walkers Ltd site. The AHLV designation to the north of the application site requires that specific regard is given to the impact the development will have on this landscape. The relevant local plan policy states that development which adversely affects the character, quality or appearance of an AHLV will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

The proposed warehouse will be visible from a wide area. Specifically from properties situated on the northern edge of Peterlee, in the Lowhills Road Area, and properties situated on the southern side of Easington Village and Easington Colliery.

In support of the application the applicant has completed and submitted a landscape and visual assessment of the proposed work. The landscape assessment concluded that any built development of 26 metres in height is likely to create effects on the landscape and visual amenity of the locality. However, it was predicted that the overall impact of the new building on landscape character would be moderate/minor. This conclusion was reached as the proposed building is set within an already industrialised part of the landscape, which benefits from good qualities of tree planting and a gently undulating landform that obscures views from many parts of the wider landscape. It is also argued that proposed landscaping works will further mitigate any landscape impacts associated with the development.

The Council's Landscape Officer has questioned the conclusions reached in the landscape assessment, and has suggested that the conclusion that any impacts would be moderate/minor is too placatory. However, it is accepted that there are few mitigation measures which could be implemented to screen a building of this stature.

Due to the significant landscape impact of the proposed development, the importance of the materials and finish to be used for the exterior of the building has been highlighted by both the Landscape and Design and Conservation Officers. The applicant had proposed to finish the structure using insulated panels in a chequered pattern in silver and/or diamond. It was argued that the combination of these finishes would create an interesting building regardless of the amount of the building that could be seen. The applicant stated that the concept behind the design was to create both visual interest and a unification of the building with its setting and the sky, and that the colours were chosen to minimise the form of the building when viewed from distance. However, the Council's Landscape and Design and Conservation Officers are not yet convinced of this approach, and have suggested that further discussion is required regarding the options relating to colour and patterning to test the proposed finishes' effectiveness in mitigating the visual impact of the development.

As such no objections have been raised by the Landscape or Design and Conservation Officers to the development providing conditions are used to control: the materials and finish to be used for the exterior of the building; the external lighting associated with the development; and, the landscaping works.

It is accepted that due to the height of the proposed building, the development will have a significant impact on the landscape. The relevant planning policy requires that such development will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County. This issue is discussed in the conclusion of this report.

28 Residential Amenity

Letters of representation have been received in relation to this application. Concerns have been raised by occupants of residential dwellings situated to the south and west of the application site in relation to the effect the proposed development would have on their existing views, and potential detrimental effects in relation to noise and traffic associated with the site.

The existing Walkers Ltd site, and proposed extension are situated a significant distance from any residential properties. The planning system does not protect residential views, and instead a pragmatic assessment has to be taken as to how the development will affect the residents' amenity. Such an assessment needs to be with regard to outlook from a dwelling rather than an assessment of the impact on an existing view. It is accepted that the proposed extension will be visible from a significant number of residential properties; however, due to the separation distances it is not considered that any impact would be sufficient to warrant refusal of the application. The warehouse extension will mainly be

seen in distant views as part of the wider panorama, rather than in unduly close proximity to houses.

The application relates to a well established use situated within an industrial area, therefore a certain amount of noise and traffic is to be expected. However, in this instance due to the type of development proposed it is not considered that there will be any significant increase in noise or traffic associated with the proposed works to warrant refusal of the application. In this regard Environmental Health Officers have raised no objections to the scheme.

29 Trees and Ecology

The proposed development requires the removal of some trees from the application site. In particular there is a requirement to remove a section of boundary planting adjacent to Thorpe Road to the west of the proposed factory extension. These trees are to be removed to allow the creation of a temporary access road to be used during the construction phase of the development. The trees to be removed in this location are to be replaced following completion of the construction works. The proposed development also includes further replacement planting to be provided predominantly to the north of the application site which is to be secured through the use of an appropriate condition. A full Ecology report has been prepared and submitted in support of the application which concludes that subject to suggested mitigation any impacts on wildlife would be negligible.

The Council's Tree and Ecology Officers have raised no objections to the proposed development subject to any grant of planning permission being conditional on Tree Protection Works, the implementation of an agreed Landscaping Scheme and wildlife mitigation measures.

30 Highways

The proposed development does not include any alteration to the existing vehicular access arrangements for the site. The development increases the size of the site but does not increase the number of employees, and only increases the number of HGV movements in total by 13 per day. As such both the Highways Agency and Highways Authority have raised no objections to the proposed scheme.

31 Renewable Energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. In order to ensure that CO2 reduction and energy efficiency is considered, a suitable condition should be imposed.

32 Economic Benefits

Relevant national guidance contained within PPS1 and PPS4 encourages local planning authorities to be mindful of the economic benefits development may bring when assessing development proposals. This application relates to an existing business and a major employer situated within an established industrial location.

The applicant has provided an applicants statement (included above), which outlines the importance of this development to their company and its operations within Peterlee.

The importance of Walkers as a local employer has been further endorsed by East Durham Business Service who are fully supportive of the proposed development stating that: "Walkers is a valued employer within the area and this investment and development will help to cement its operations in Peterlee."

Although the proposed development itself does not create a large number of new jobs, the planned investment will have a significant economic benefit in securing the existing jobs at this site in Peterlee.

CONCLUSION

- 33 The proposed development is considered to broadly accord with the relevant development plan policies.
- 34 Due to the size of the building proposed there will be a significant impact on the local landscape and in particular the adjacent Area of High Landscape Value, and on some views from nearby residential properties. However, such an impact needs to be balanced against the economic benefits that the proposed development will bring to the locality.
- 35 The application relates to a well established site and employer, whose economic benefits to the wider community will be enhanced by the proposed development.
- 36 As such it is considered that through the use of appropriate planning conditions, specifically in relation to the materials to be used for the exterior of the building and landscaping works that any impact on the wider landscape can be controlled to allow approval of the planning application.

RECOMMENDATION

- 37 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan Reference Number: Plans: Site Sections (81076-G12-SE-310 A); Proposed Site Plan (81076-G7-SI-110 A); Existing Location Plan (81076-G7-SI-101 A); Proposed Site Construction Phases (81076-G7-SI-102 A); Proposed Sections (81076-G2-SE-320 A); Proposed Roof Plan (81076-G2-GA-122 A); Proposed Ground/First Floor Office & Existing/Proposed Section C (81076-G2-GA-121 A); Proposed Ground Floor Plan (81076-G2-GA-120 A); Existing Ground Floor Plan (81076-G2-GA-105 A); Proposed Elevations (81076-G2-EL-220 A); Existing Elevations (81076-G2-EL-205 A). - date received 29/10/2010.
Documents/Reports: Design & Access Statement for Proposed High-bay Warehouse at Walkers Snack Foods (Distribution) Ltd, Peterlee - B3Architects (81076); An Extended Phase 1 and Protected Species Survey of Land Adjacent to Walkers Snack Food Ltd Distribution Plant, Peterlee - E3 Ecology Ltd (2307 EX Ph1 R02); New Warehouse Development Flooding and Drainage Appraisal Level 1 FRA Screening Study - Peters Associates, Consulting Structural and Civil Engineers (R445110); A Pre-development Site Arboricultural Survey and Report to BS 5837: Trees in Relation to Construction, Recommendations on Trees Situated at Walkers Snack Foods, Peterlee - Premier Tree Services Ltd (prepared by S. Powell Oct.

2010); Walkers Snack Foods, Peterlee, Landscape and Visual Assessment - Southern Green, Chartered Landscape Architects (658 V2 29/10/10); Walkers Snack Foods Ltd, Site Investigation - Hymas GeoEnvironmental Ltd (Volume 1 Final Report No. 2001114 Dec 2002); Clothing Factory Stephenson Road, Peterlee, Ground Investigation Interpretative Report - WS Atkins (Northern\F1318\Reports\F1318I003 - Nov 2000). - date received 29/10/2010.

Additional Report: Geoenvironmental Investigation of land at Walkers Snack Food, Peterlee - Dunelm Geotechnical & Environmental (Report No. D2868.1 Dec 2010) – date received 24/12/2010.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. Notwithstanding any details of materials submitted with the application the clad-rack construction associated with the warehouse extension hereby approved shall not commence until samples of its external walling materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

4. The warehouse extension hereby approved shall not be brought into use until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the warehouse extension hereby approved being brought into use. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

6. No works are to commence on site until a Tree Protection Plan has been submitted to and agreed by the Local Planning Authority. The submitted plan must include details of all trees and hedges which are to be retained on site. The plan must specify tree protection works to include the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
7. No construction work shall take place, nor any site cabins, materials or machinery be brought on to the parts of the site subject of the Tree Protection Plan, required by Condition No. 6 of this decision notice, until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
8. The tree works hereby approved shall be carried out in accordance with BS 3998: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council).
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
9. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'An Extended Phase 1 and Protected Species Survey of Land Adjacent to Walkers Snack Foods Ltd Distribution Plant, Peterlee' (E3 Ecology - 2307 Ex Ph1 RO2) including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.
Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation.
10. Prior to the discharge of any surface water from the development, a scheme for surface water management shall be submitted to, and approved in writing by, the local planning authority.
Reason: To ensure proper drainage of the site in accordance with Planning Policy Statement 25 - Development and Flood Risk.
11. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.
Reason: To ensure proper drainage of the site in accordance with Planning Policy Statement 25 - Development and Flood Risk.

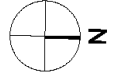
12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.
13. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.
Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
14. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how C02 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme.
Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:
- | | |
|------------------------------------|---|
| DISTRICT OF EASINGTON LOCAL PLAN | ENV35 - Environmental Design: Impact of Development |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV36 - Design for Access and the Means of Travel |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV37 - Design for Parking |
| DISTRICT OF EASINGTON LOCAL PLAN | GEN01 - General Principles of Development |
| DISTRICT OF EASINGTON LOCAL PLAN | IND53 - Existing General Industrial Estates |
| PLANNING POLICY STATEMENT/GUIDANCE | PPS1 - Delivering Sustainable Development |
| PLANNING POLICY STATEMENT/GUIDANCE | PPS4 - Planning for Sustainable Economic Growth |
2. In particular the development was considered acceptable having regard to consideration of issues of the location of the development, its visual impact, and effects on highways, the environment and amenity of adjacent occupants and uses.
3. The stated grounds of objection concerning the impacts on visual amenity and noise for nearby residents are not considered sufficient to warrant refusal of the application.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Approved
 1. This plan was prepared or amended on the date shown in the table below.
 2. This plan was prepared or amended on the date shown in the table below.
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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(b)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0530
FULL APPLICATION DESCRIPTION	ADDITIONAL FACILITIES TO ANIMAL FARM TO INCLUDE CHILDRENS AMUSEMENT PARK, INVOLVING INDOOR AND OUTDOOR PEDAL GO-KART TRACKS, INDOOR PLAY BUILDING, OUTDOOR PLAY EQUIPMENT AND USE OF A FORMER RAILWAY CARRIAGE AS PLAY AREA SHELTER; ERECTION OF BUILDINGS, ANIMAL SHELTERS AND PENS ASSOCIATED WITH THE KEEPING OF DOMESTIC FARM ANIMALS AND NON-EXOTIC ANIMALS AND NATIVE BIRD SPECIES; ENLARGEMENT OF EXISTING PONDS, PROVISION OF ASSOCIATED VISITOR FACILITIES INCLUDING CAFE, GIFT SHOP AND ADDITIONAL VISITOR CAR PARKING (RETROSPECTIVE)
NAME OF APPLICANT	MR AND MRS P WAYMAN
SITE ADDRESS	TWEDDLE FARM, FILLPOKE LANE, BLACKHALL, TS27 4BT
ELECTORAL DIVISION	BLACKHALLS
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site lies outside of any settlement boundary in the open countryside between the settlements of Crimdon, Blackhall and High Hesleden. Agricultural fields surround the site with several farmhouses nearby; the closest resident is at Westwinds, a dwelling adjacent to the main site entrance off Fillpoke Lane. The children's animal farm is approximately 18.2 hectares in size and includes attractions such as animal pens, go-karting tracks, indoor play areas, shops and a café.

Proposal:

- 2 Retrospective planning permission is sought for additional facilities to the animal farm including the erection of buildings and animal pens, the siting of storage containers, additional car parking area, pedal go-kart tracks, indoor play building, use of former railway carriage as a play shelter, outdoor play equipment, enlargement of ponds, shops and café.
- 3 Since the granting of planning approval for a Children's Animal Farm in 2004 the applicants have expanded the business to incorporate additional features and facilities beyond those permitted by the original permission and hence the submission of the retrospective planning application to regularise the current situation.
- 4 Since the granting of that consent the operations and business have expanded to meet visitor demands and the facilities now include an extended range of domestic farm animals, internal and external play areas including go-kart tracks, the provision of an over flow car parking area, a café and external seating area and a gift shop. Other minor works have been undertaken by the applicants to generally improve and upgrade the appearance of the site and ensure visitors safety.
- 5 The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

HIST/2004/0506 Children's Animal farm and paddock Approved 27 February 2004.

HIST/2004/0937 2 No. residential mobile homes Approved 10 June 2004.

PLAN/2007/0492 Caravan and camping site Withdrawn 17 September 2007.

PLAN/2008/0182 Regularisation of unauthorised development – Withdrawn

PL/5/2009/0496 Permanent retention of mobile residential unit, associated conservatory, glazed porch, decking and domestic garden Withdrawn 16 February 2010.

PL/5/2009/0497 Permanent retention of mobile Residential unit to provide temporary accommodation for seasonal employees Withdrawn 16 February 2010

PL/5/2010/0222 Permanent retention of mobile residential unit, associated conservatory, glazed porch, decking and domestic garden (Resubmission) – on going.

PL/5/2010/0279 – Change of use from children's animal farm and paddocks to children's zoo and amusement park including erection of buildings and animal pens, siting of storage containers, additional car parking area, go-kart tracks, indoor play building, former railway carriage as play area shelter, outdoor play equipment, enlargement of ponds, and shop and café (retrospective) – This application involved the keeping of exotic animals which in planning terms was classed as a zoo. However, the applicant failed to secure the appropriate zoo licence and the planning application was therefore withdrawn.

PLANNING POLICY

6 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

7 REGIONAL PLANNING POLICY:

Regional Spatial Strategy for the North East.

Policy 2 – Sustainable Development. Planning proposals and Local Development Frameworks should support sustainable development and construction through the delivery of the following environmental, social and economic objectives.

Policy 11 – Rural Areas. Strategies, plans and programmes, and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.

Policy 16 – Culture and Tourism. Strategies, plans and programmes and planning proposals should promote culture and tourism, including provision for sport and leisure and the resources which support these.

8 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

9 STATUTORY RESPONSES:

Parish Council – no objections subject to road widening works.

Northumbrian Water – no objections.

Hartlepool Borough Council – no objections.

Environment Agency – no objections. Informal advice offered.

10 INTERNAL CONSULTEE RESPONSES:

Landscape Officer – No objections. Agreed landscaping around car parks. However another scheme should be submitted for the rest of the site.

Highways Officer – No objections subject to localised widening of access road and measures to stop vehicles exiting from the entrance to the site.

Ecology Officer – No objections.

Tree Officer – No objections.

Environmental Health – No objections.

Planning Policy – No objections.

11 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notices and letters to individual properties. One letter of support has been received stating that they are a user of the facility. One letter of objection has been received from a nearby resident which raises the following issues:

- The site is an eyesore
- The site has developed without the proper consents being in place
- Access is not adequate
- There are two unauthorised caravans on the site
- Car parks close to property result in noise and intrusion

12 APPLICANTS STATEMENT:

From the approval of the development granted in 2004 the applicants have established, expanded and built up the enterprise to its present status as a successful business and tourist facility attracting thousands of visitors annually. The business that was originally envisaged by the applicants as only a Children's Animal Farm that would operate seasonally has grown considerably to meet the demands of its visitors for enhanced facilities and a broader range of attractions. The current business enterprise is now open all year round with the exception of Christmas and New Year and is a well supported local and casual visitor attraction that is also well used by schools from East Durham and the wider regional area as an educational resource.

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 <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111569>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations with regard to this proposal are the relevant planning policies, impact on the countryside and surrounding occupiers, highways issues and the objection from the nearby resident.

13 Planning Policy

In terms of national planning policy, the most relevant to this application are PPS1 – Sustainable Development, PPS4 – Sustainable Economic Growth and PPS7 – Sustainable Development in Rural Areas.

With regard to PPS1 it is noted that the site lies within an area of countryside that has no designated status in terms of landscape value and is surrounded by agricultural fields. The principle of the development has already been established by the permission granted for the Children's Animal Farm in 2004, hence the suitability of the site for use as a Children's Animal Farm has already been assessed and considered acceptable. The development is located within reasonable walking distance of bus routes on the A1086 and is accessible by bicycle from the road network and designated cycle routes. However, there is an obvious need for attractions located in rural areas to be accessed by car and on this basis the site provides parking in accordance with standards agreed with the Highways Officer. In light of the above, it is considered that the proposals are in general accordance with PPS1.

The recently published PPS4 supersedes the economic development section of PPS7 and seeks to achieve sustainable economic development in urban and rural areas including the provision of leisure and tourism development. The policy statement supports diversification of agricultural businesses where the development is acceptable in its scale and would have no adverse impacts on its countryside location. The policy statement also supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features. The policy statement seeks to

ensure that visitor and tourism facilities are located in existing buildings wherever possible, particularly where developments are located outside of settlement boundaries. It is noted that the development is not located within any national or locally designated areas of landscape or nature conservation, protection or sensitivity. Notwithstanding this, it is not considered that the proposals have a significant adverse impact on their rural setting, nor is the scale of the facilities considered to be inappropriate in this location. In addition, the majority of the attractions are housed in barns which were previously used for agricultural activities. On the basis of the above it is considered that the proposals are in general accordance with PPS4 and PPS7, both of which allow for appropriate leisure and tourism facilities in the countryside.

14 Impacts on the countryside and surrounding occupiers

The main planning policy relating to the appearance of the development and the impact on its location and surrounding occupiers is saved Local Plan Policy 35. The majority of the structures, which have been added to the Children's Animal Farm, are located within the same site boundary, and are set amongst other similar structures approved in 2004. The structures, such as the play equipment, aviary cages and animal shelters are relatively small in scale and are not considered to lead to any further adverse impact on the surrounding countryside. The go-kart track also does not have any harmful visual impact on the wider landscape as it is not easily noticeable in the context of the whole development. The applicant has indicated that further landscaping will be put in place in the near future both inside the site and around its perimeter, this would further help reduce the impact on the surrounding countryside and nearby occupiers and should be ensured by way of a planning condition. In light of the above, and taking the design, scale and location of the additional facilities which have been added into account, it is not considered that the proposals would lead to any significant adverse impacts on the countryside which should lead to refusal of planning permission.

With regard to impacts on surrounding occupiers, saved Policy 35 of the Local Plan states that development will be required to "have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation". The only dwelling affected within the vicinity of the development site is "Westwinds" which is located directly to the south of the main entrance and to the west of the existing car parks. It is considered that, due to the proximity of the current visitor car parks that surround the side and rear of the property, the occupiers are adversely affected in terms of visual intrusion and noise. Therefore negotiations have taken place with the applicant which have resulted in agreement to the existing car park adjacent to the dwelling being moved away from the boundary and thereafter landscaped in order to improve the outlook from the dwelling and to reduce noise and visual intrusion. A condition should be imposed to ensure these works are carried out within a reasonable timescale and to ensure that the development complies with Policy 35 of the Local Plan.

15 Highways Issues

The highways officer has agreed an appropriate level of parking provision with the applicants and has no objections to the proposals subject to certain conditions and a legal agreement. The conditions would require no more than two coaches per day visiting the site and that measures are put in place to ensure that vehicles cannot exit the site at the designated entrance point, in order to ensure highway safety. The legal agreement would ensure that the applicant carries out some widening works to Fillpoke Lane, which is the main access road between the site and the A1086. This will ensure that road users can pass safely on the road and is suitable for the visitors to the site. With the appropriate

conditions and legal agreement it is considered that the proposals are acceptable in highways terms and in accordance with saved Policy 36 of the Local Plan.

16 Objection from nearby resident

The objector has raised concerns about the appearance of the site and that the site has developed without the proper consents being in place. As discussed above, the use of the land for a Children's Animal Farm was established in 2004. Although there has been a significant expansion of the original development, it is not considered that the additional play and visitor facilities or the structures which have been erected result in any further significant adverse impacts on the countryside. It is acknowledged that the applicant has carried out works without the proper consents being in place, and indeed over a considerable amount of time. However he now wishes to regularise the development, hence this retrospective planning application. The objector also raises concerns about the access, however, as stated above the highways officer has no objections to the proposals subject to specific conditions and a legal agreement which would ensure adequate access, parking provision and highway safety.

Concerns have also been raised with regard to two caravans on the site, which are currently unauthorised. The applicant has also submitted a planning application to regularise these and the objector has been consulted as part of this process. A decision on that application is, to some extent, dependent on the outcome of this retrospective application. It will be determined under delegated powers following this decision.

As discussed above in the report, there are impacts on the objector's property in terms of visual intrusion and noise. The negotiations which have taken place with the applicant, have resulted in agreement to the car parks being removed from around the boundary of the objector's property and the land thereafter landscaped. This will result in an improvement to the outlook from the property, and a reduction in noise and visual intrusion.

CONCLUSION

17 Overall it is considered that the Children's Animal Farm visitor attraction, which already has the benefit of a previous planning approval for a smaller scale development is acceptable. The additional attractions which have been added since the original approval do not result in any significant impacts on either the surrounding countryside or nearby occupiers which should result in the refusal of planning permission. Amendments to the car parking arrangements and additional landscaping will ensure there are enhancements to the setting and appearance of the site and to the amenity of surrounding occupiers. The approval of this planning application will ensure that the business remains viable and contributes toward the tourism and visitor attraction offer in East Durham and the surrounding area.

RECOMMENDATION

18 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The premises subject to this permission shall not be open for business outside of the hours of 10.00 hours to 17.00 hours on any day.
Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
3. The car parks shown on the plans hereby approved shall be constructed and marked out and made available for use within three months of the date of this approval. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
4. The existing car park to the northern and eastern boundaries of the dwelling currently known as Westwinds, as shown on plan reference 1812/01E shall cease to be used as a car park within three months of the date of this permission.
Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
5. Notwithstanding the details submitted with the application, a total of no more than two buses and/or coaches shall visit the site at any one time. For the avoidance of doubt this does not include minibuses.
Reason: To minimise parking and congestion on Fillpoke Lane in the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
6. Notwithstanding the details submitted with the application, all go-karts shall be pedal only and shall not be electric or motorised.
Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
7. Within one month of the date of this decision a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

8. All planting, seeding or turfing and habitat creation in the approved details of the landscaping schemes, including the landscaping scheme as shown on plan reference 1812/04B, shall be carried out in the first available planting season following the new car parks being brought into use. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

9. Within three months of the date of this decision, measures shall be taken to prevent vehicles from exiting the site at the designated site entrance in accordance with a scheme to be first submitted to and agreed in writing by the Local planning authority.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

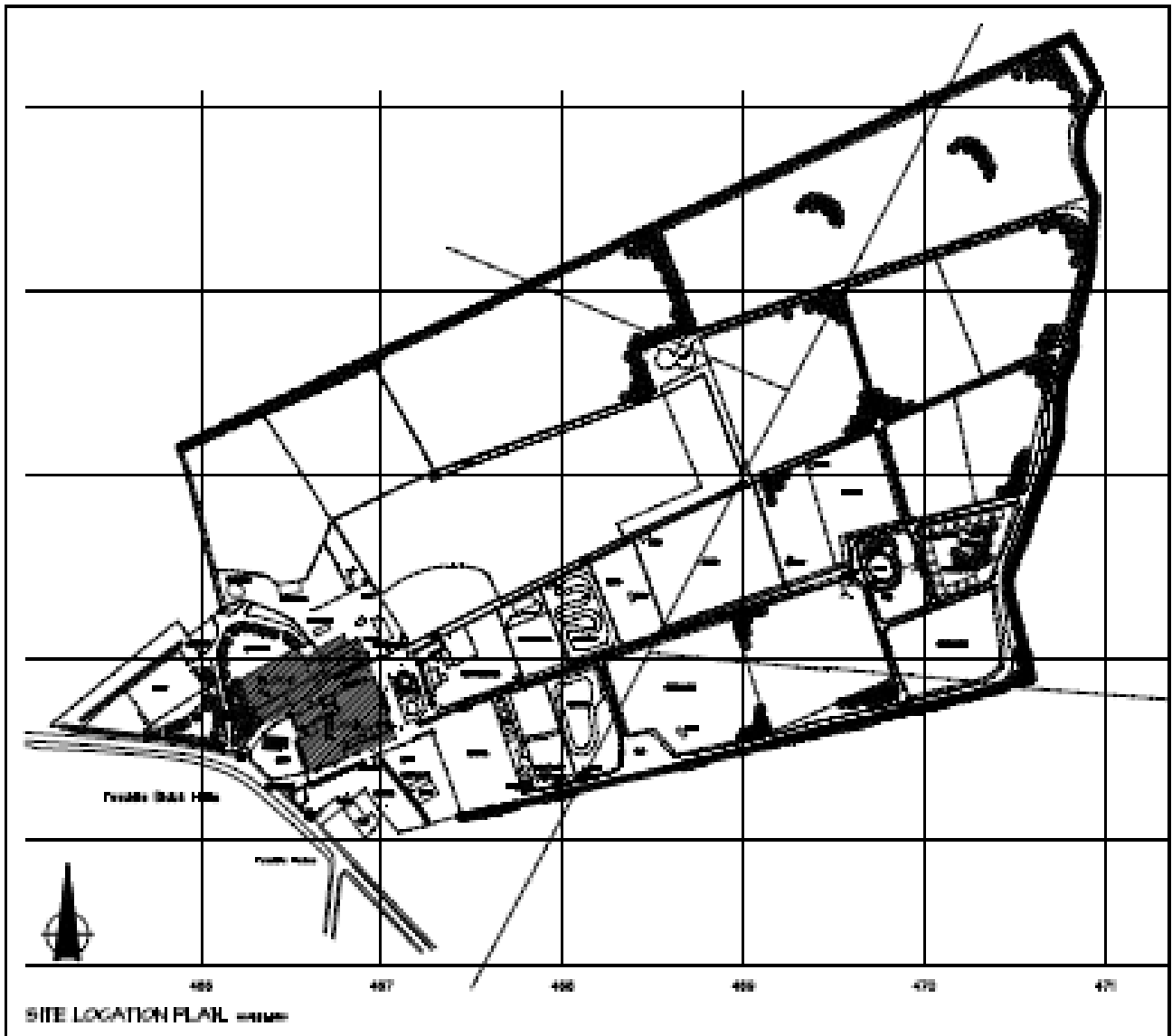
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PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
REGIONAL SPATIAL STRATEGY
REGIONAL SPATIAL STRATEGY
REGIONAL SPATIAL STRATEGY
DISTRICT OF EASINGTON LOCAL PLAN

ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
PPS4 - Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas
RSS Policy 11 - Rural Areas
RSS Policy 16 - Culture and Tourism
RSS Policy 2 - Sustainable Development
TAC74 - Footpaths and other public rights of way

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, impacts on the landscape and surrounding occupiers and highways issues.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS4, PPS7
- Consultation Responses



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(c)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0540
FULL APPLICATION DESCRIPTION	5 NO. DWELLINGS AND ASSOCIATED WORKS
NAME OF APPLICANT	MR B ARMSTRONG
SITE ADDRESS	LAND ADJACENT THE BUNGALOW, BRACKENHILL AVENUE, SHOTTON COLLIERY
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located within the settlement boundary of Shotton and is surrounded by residential properties. The site was most recently used for allotment gardens, however these have been left unused and vacant for a number of years and the land has become overgrown and unsightly. The site area is 0.08 hectares.

Proposal:

- 2 This application proposes five two-storey, two-bedroomed dwellings with off-street parking and private gardens. The dwellings would be constructed of brick and tile, details of which would be subject to a planning condition. The design of the dwellings includes stone heads and cills to the window openings and doors which add interesting features to the elevations. The site would be accessed from Brackenhill Avenue and off-street car parking would be provided in order to avoid any parking congestion on the main road. The site is surrounded by mature shrubbery and trees which would add to the overall appearance of the new development.
- 3 The application is being reported to committee as the Parish Council have made an objection.

PLANNING HISTORY

None relevant.

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

5 REGIONAL PLANNING POLICY:

Regional Spatial Strategy for the North East

Policy 4: (The Sequential Approach to Development) provides that a sequential flange approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

6 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

Northumbrian Water – no objections

Parish Council – objection. The grounds of objection are:

- Highway safety access and egress onto a minor road which is already subject to traffic restrictions;
- The site is not included for development in the Local Plan;
- Close proximity to existing residential premises and the concerns of local residents;
- Loss of land used as allotments/small holdings reduces supply

8 INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections subject to conditions requiring footpath improvements and removal of vegetation.

Tree Officer – no objections

Ecology Officer – no objections

Environmental Health – Contaminated land study required.

Planning Policy – Sustainable location for residential development. No objections.

9 PUBLIC RESPONSES:

The application has been advertised by way of a site notice and individual letters to surrounding residents. Two letters of objection have been received from nearby residents who are concerned regarding loss of light, loss of privacy and loss of view.

10 APPLICANTS STATEMENT:

The development has been designed sympathetically with regard to the adjacent dwellings, to prevent any over looking, in accordance with planning guidelines for separation distances. The site lies within the village settlement boundary and will be a vast improvement visually, as the existing site has been unattended for many years, and until recently, was overgrown and had been subject to fly tipping. I feel that the development of the land would have a positive benefit to the area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111692>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations in this instance are planning policies, impacts on surrounding residents and the street scene and highways issues.

11 Planning Policy

The proposed application is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within PPS1: Delivering Sustainable Development and PPS3: Housing. Government policy requires a sequential approach to the identification of housing sites, which prioritises land in sustainable urban areas. In this instance this application relates to an unused, untidy site situated within the settlement boundary of Shotton. The density of the development is 62 houses per hectare, which accords with government guidance that states the minimum

density of housing development should be 30 per hectare. The proposals are therefore considered to accord with the general principles of national planning policy.

The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Shotton, it is considered to accord with the general principles of RSS in terms of a sequential approach for development.

12 Impacts on surrounding occupiers and the street scene

The design, scale and layout of the development are considered to be generally acceptable. There is no consistent design or use of materials surrounding the site that could influence this scheme, the use of brick and tile would be considered acceptable although a condition should be used to control specific materials. The layout of the development is also considered appropriate given the constraints involved with the shape of the site. Internally, the scheme does not achieve some of the distancing standards set out in the District of Easington Local plan (in one instance 18.5 metres rather than the usual 21 metres), however given the shape of the site and that no existing properties are affected this is not considered a significant problem. It is considered that the relatively minor shortfall in distancing standards is outweighed by the benefits of developing a disused site in this instance. Accordingly, the proposals are considered to be in accordance with District of Easington Local Plan policies 1 and 35.

13 Highways Issues

The Highways Authority are satisfied that there would be no significant problems caused by an increase in traffic and that parking provision and access are acceptable. In addition, the site is well served by bus services and community facilities and as such the site is considered a sustainable location for residential development. The development would require the creation of new pedestrian footpaths along the front of the site which should be ensured by imposing an appropriate condition.

14 Neighbour and Parish objections

The level of parking provision and access have been agreed with the Highways Officer. Therefore objections relating to parking and access are not considered to warrant refusal of planning permission. With regard to loss of privacy and light, the distances between the new dwellings and surrounding properties meet the distancing standards set out in the Local Plan and are considered acceptable. On this basis it is considered that there would be no adverse impacts on surrounding occupiers significant enough to warrant refusal of planning permission. The fact that the site is not allocated in the Local Plan for housing is not relevant, it is considered an acceptable location for residential development in general policy terms. With regard to loss of the allotments, it is noted that the site has been vacant, unused and overgrown for some time and this suggests that there is no demand for allotments in this location.

CONCLUSION

- 15 The application site constitutes former allotment land that is now overgrown and vacant, it lies within the development limits defined for Shotton Colliery. While the site would strictly be greenfield, development of the site would allow this piece of land to be improved visually to the benefit of the streetscene. The site is also located within a sustainable location with regards to access to services. Shotton has sufficient facilities to cater for new housing, it is also noted that the site is within proximity of employment sites improving its sustainability further. It is therefore considered that development of this site for housing would be in line with national policy PPS1 and PPS3.
- 16 Taking all relevant planning matters into account it is considered that the proposal is acceptable. The scheme generally accords with the relevant development plan policies and would remove an unused, untidy site within a predominantly residential area. The proposals are of good quality design and would have no adverse impacts to surrounding occupiers, the street scene or wider landscape. The objections from the Parish Council are not considered to warrant refusal of planning permission.

RECOMMENDATION

- 17 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; 1904/04, 1904/01A, 1904/03A, 1904/02
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1 and 35 of the District of Easington Local Plan.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, D, E, G or H of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. Before the occupation of any dwelling hereby approved a new 1.8 metre wide footway shall be constructed to the front of The Bungalow, adjacent to Brackenhill Avenue, to link the side lane adjacent to no. 9 Brackenhill Avenue up to the front of the proposed development. The footway shall be constructed to the satisfaction of the local planning authority.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

6. Before the occupation of any dwelling hereby approved, the vegetation to the rear of the front wall adjacent to Brackenhill Avenue, and to the north west of the private shared driveway access onto Brackenhill Avenue shall be removed.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

7. The development hereby permitted shall not be commenced until:

- a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
- b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
- c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
- e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

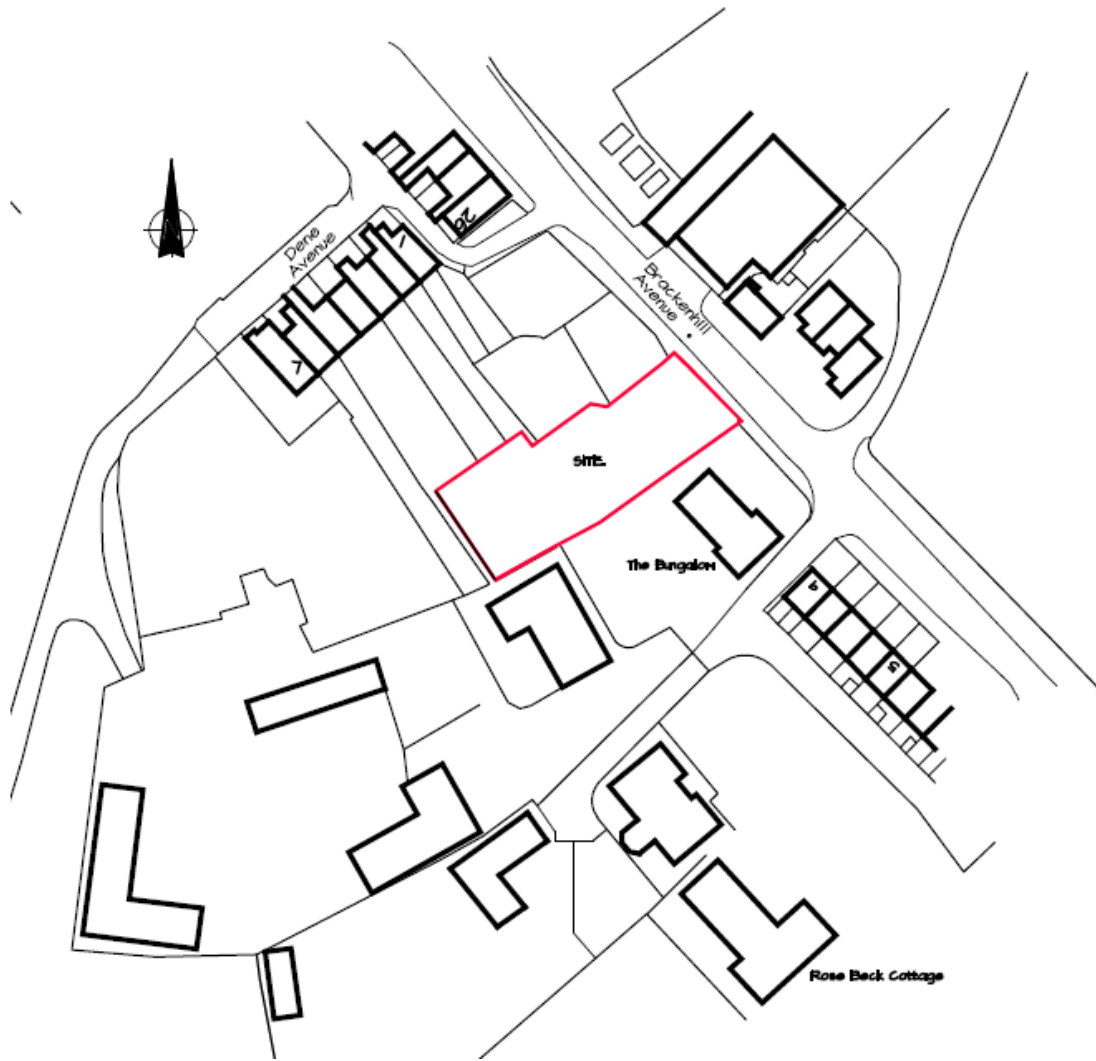
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
REGIONAL SPATIAL STRATEGY

ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
HOU67 - Windfall housing sites
PPS1 - Delivering Sustainable Development
PPS3 - Housing
RSS - Policy 4

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, design and layout, impact on surrounding occupiers and highways issues.
3. Objections received were not influential in leading to a refusal. The impact on surrounding occupiers was not considered significant enough to warrant refusal. Highways issues are also considered acceptable.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, , PPS3
- Consultation Responses



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00812/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 10 of planning permission 4/10/223 to enable provision of alternative construction site access arrangements
NAME OF APPLICANT:	Crosby Homes Yorkshire Ltd
ADDRESS:	Sheraton House, Sheraton Park, Darlington Road, Nevilles Cross, Durham
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Peter Herbert, Principal Planner 0191 3018723 peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Sheraton House is one of two former education college buildings, the other being Neville House, standing centrally within a development site known as Sheraton Park, lying to the south of the Nevilles Cross area of Durham. The site was originally occupied by Durham New College.
2. When planning permission for the conversion of Sheraton House to residential apartments was recently renewed in June 2010, a condition was attached, at the request of the Highway Authority, to restrict construction traffic associated with this property to the use of a central builders' compound. This was to avoid the need for heavy vehicles penetrating a residential site any further than absolutely necessary, thus avoiding road surface damage and impact upon amenity levels. The condition applied only to Sheraton House and not Neville House, the other major building nearby that would also be converted to residential use.
3. The developers now wish to vary the condition that applies to the Sheraton House development to allow fork lift truck access to the estate road network for the delivery of building materials. However, following planning officer negotiations with the applicants, Crosby Homes are willing to extend the construction traffic restrictions to Neville House also, provided that ready mix concrete and JCB vehicles are also allowed access.

PLANNING HISTORY

4. Planning permission was granted in November 2002 for the erection of 209 dwellings, change of use of Neville House to provide 62 apartments, conversion of Sheraton House to offices, or offices and leisure, and associated infrastructure works to include a new A167 access.

5. Planning permission was granted in 2005 for the conversion and extension of Neville House to form 67 apartments.

6. Planning permission was granted in 2007 for the conversion and extension of Sheraton House to form a total of 47 apartments, with associated parking and landscaping.

7. This planning permission was renewed in 2010 with the following condition:

All construction traffic shall service the application site only via the central compound entrance located at the Dalton Crescent/ Clay Lane junction, and by no other route, without the express written consent of the Local Planning Authority

PLANNING POLICY

8. NATIONAL POLICY:

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

9. REGIONAL PLANNING POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, set out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS set 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.

The following are those policies considered relevant:

Policy 1 (North-east Renaissance) seeks to deliver sustainable and inclusive economic prosperity and growth, and sustainable communities, capitalising on the Region's diverse natural and built environments, heritage and culture.

Policy 2 (Sustainable Development) sets out a series of environmental objectives, social objectives and economic objectives to address climate change issues.

Policy 4 (The Sequential Approach to Development) seeks a prioritized approach to development of sites based on previously developed land, protection of nature and heritage sites, and relation to existing homes, jobs, services and modes of transport.

Policy 6 (Locational Strategy) seeks to maintain sustainable market towns, service centres and villages whilst preserving their historic fabric and character.

Policy 7 (Connectivity and Accessibility) seeks to reduce the impact of travel demand by promoting public transport, travel plans, cycling and walking, and making the best use of existing resources and infrastructure.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 9 (Tyne and Wear City Region) gives a priority to regeneration in the River Wear corridor.

Policy 11 (Rural Areas) supports the development of a vibrant rural economy that makes a positive contribution to regional prosperity whilst protecting the region's environmental assets from inappropriate development, aspiring to economic prosperity and creating Sustainable Communities.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilize previously developed land wherever possible.

Policy 30 (Improving Inclusively and Affordability) seeks to make provision for a range of dwelling type, size and tenure, assessed against the needs of the local community, considering elements of the housing stock currently under-represented.

Policy 38 (Sustainable Construction) requires planning proposals to ensure that the design and layout of new dwellings must minimise energy consumption, and encourage best practice for achieving high energy efficiency.

10. LOCAL PLAN POLICY:

Policy T1 (Traffic Generation – General) of the City of Durham Local Plan 2004 precludes development proposals likely to lead to a level of traffic generation prejudicial to highway safety.

Policy H13 (Residential Areas – Impact upon Character and Amenity) seeks to prevent development or changes of use which would result in significant harm to the character or appearance of residential areas, or the amenities of residents within them.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

11. STATUTORY RESPONSES:

The County Highway Authority is of the view that the use of a fork lift is unlikely to do any significant damage to the estate road system, but would prefer such a restriction to extend to construction traffic associated with Neville House too. Were that the case, it would not oppose ready mix deliveries and JCB access as overall this would represent a reduction in construction traffic movement within the estate.

12. INTERNAL CONSULTEE RESPONSES:

None

13. PUBLIC RESPONSES:

Two letters of objection have been received from Sheraton Park residents. Concerns expressed include unnecessary use of already heavily trafficked residential roads and consequent highway safety implications; further damage to already poor road surfaces; and disturbance to residents.

A letter on behalf of Dalton Crescent Residents Group states its members to be unconcerned regarding the proposed use of a fork lift truck outside the central compound, particularly if this application is an indication of Crosby Homes' imminent return to the site and the completion of the Sheraton and Neville House conversions.

14. APPLICANTS STATEMENT:

The applicants have applied for a relaxation of a planning condition restricting Sheraton House construction traffic to the central builders' compound as it is their contention that not all of that building can be accessed from the compound in respect of materials deliveries.

The use of a fork lift truck would, it is suggested, allow necessary access without causing significant harm to either residential amenity or road surfaces.

They are also willing to restrict construction vehicle access to Neville House, provided fork lift, ready mix deliveries and JCB access is also permissible.

This, it is argued, would represent an overall reduction in construction traffic as currently any vehicle, including heavy lorries carrying materials, can access Neville House without restriction.

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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00812/VOC>

PLANNING CONSIDERATIONS AND ASSESSMENT

15. The planning condition which the applicants seek to vary was imposed in the interests of residential amenity and highway surface damage. Consequently, the acceptability of a variation to this condition rests upon its anticipated impact upon these matters.

16. However, it must be recognised that construction vehicle access restrictions currently relate to the conversion of Sheraton house only and not the Neville House conversion. Accordingly, the benefits albeit worthwhile are nevertheless limited.

17. Following negotiations with the applicants, an agreement has been reached whereby construction vehicle access restrictions will be extended to both properties. This would require all such vehicles to park within, and unload materials from, the central compound, but allow when absolutely necessary access to Neville House via Faraday Court for a fork lift truck, ready mix concrete vehicles and a JCB, as these are essential for the completion of conversion work, and there is no other method of accessing the rear of Neville House.

18. While such an agreement exceeds what was originally applied for, the benefits are substantial in that construction traffic would be limited to both Sheraton and Neville Houses. Accordingly, overall, there would be a significant reduction in heavy commercial vehicles going further into Sheraton Park than the central compound, to the benefit of both residential amenity levels and carriageway wear and tear. Furthermore, in a challenging economic climate, one obstacle is removed from the applicants returning to Sheraton Park to complete this development.

CONCLUSION

19. The planning condition for which a variation is being sought was imposed to restrict construction traffic movement within Sheraton Park, in the interests of both residential amenity and highway surface impact. The Neville House conversion has no such restriction.

20. By negotiation the applicants have agreed to such a condition extending to both Sheraton and Neville Houses, provided that ready mix concrete deliveries and occasional JCB movements are added to fork lift deliveries.

21. This has been discussed with the Highway Authority, and from a traffic and carriageway impact standpoint no concerns have been raised. Similarly, as the overall level of construction traffic penetrating Sheraton park beyond the central compound will be reduced, residential amenity levels must benefit.

22. Accordingly, the proposed variation is considered to meet the objectives of Policies H13 and T1 of the Local Plan, and is therefore acceptable.

RECOMMENDATION

That the proposed variation of condition 10 of planning permission 4/10/00223 be **APPROVED**, and the conditions now to read:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of visual amenity in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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6. 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.

Reason: In the interests of visual amenity in accordance with Policies Q8 and Q15 of the City of Durham Local Plan 2004.

7. No development shall commence until a scheme for the enhancement of the appearance of the electricity substation to the south east of Sheraton House, and of the bat structure to the east, has been agreed in writing with the Local Planning Authority. The agreed scheme, subject to the approval of NEDL and the granting of a DEFRA license, shall be implemented in full prior to any occupation of the approved apartments.

Reason: In the interests of visual amenity in accordance with Policies Q8 and Q15 of the City of Durham Local Plan 2004.

8. Construction operating hours shall be confined to between 8:00 am and 6:00 pm Monday to Friday, and 9:00 am to 2:00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.

Reason: In the interests of residential amenity in accordance with Policy H13 of the City of Durham Local Plan 2004.

9. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.

Reason: In compliance with the provisions of Regional Spatial Strategy Policies 39.

10. All construction traffic associated with the redevelopment of Sheraton and Neville Houses shall park and unload within the central Sheraton Park compound located between the two properties, and at no time progress further into the estate. However, it will be permissible to access Neville House by fork lift truck, JCB and ready mix concrete vehicles.

Reason: In the interests of residential amenity and highway safety in accordance with the objectives of Policies H13 and T1 of the City of Durham Local Plan 2004.

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11. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed:

HJB/552/PA 51b Site Plan
HJB/552/PA 52b Ground Floor Plan
HJB/552/PA 53b First Floor Plan
HJB/552/PA 54b Second Floor Plan
HJB/552/PA 55b North Elevation
HJB/552/PA 56b South Elevation
HJB/552/PA 57b East Elevation
HLB/552/PA 58b West Elevation
HJB/552/PA 59b Cross Sections
As marked amended and received 2 March 2007

HJB/552/PA 62A Landscape Proposals
HJB/552/PA 50 Application Boundary
As received 10 January 2007

Reason: To define the consent and ensure that a satisfactory form of development obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

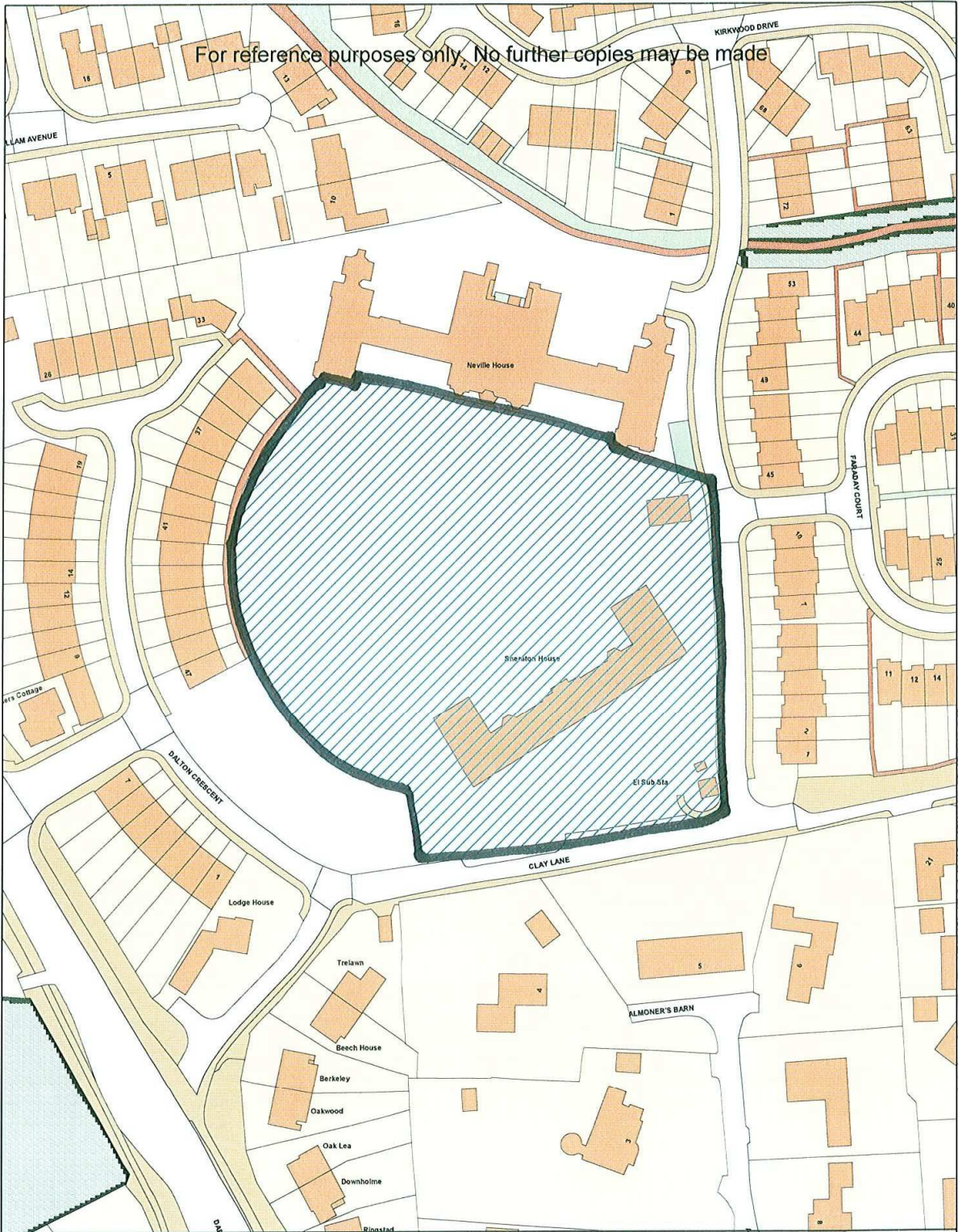
REASONS FOR THE RECOMMENDATION

1. The proposed condition variation would restrict construction traffic not only associated with the conversion of Sheraton House but also Neville House, to the benefit of highway safety, carriageway wear and tear, and residential amenity, so meeting the objectives of Policy H13 and T1 of the Local Plan.
2. The revised condition wording widens its scope and has overall benefits for those living at Sheraton Park.
3. Those opposing the proposed condition variation cite highway safety and residential amenity as grounds for their concern. Yet these are the very matters that will benefit from what is being requested. So having taken this into account, and the absence of concern by the Dalton Crescent Residents Group, this proposal is considered acceptable.

BACKGROUND PAPERS

Submitted Application Forms and Plans
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1
Response from County Highways
Third party representations





 Planning Services	4/10/00812/VOC - Sheraton House, Off Darlington Road	
	Comments	
Date	20 January 2011	Scale 1:1250
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00845/FPA
FULL APPLICATION DESCRIPTION:	Erection of 2 no. dwellings with associated parking together with upgrading of access from Front Street
NAME OF APPLICANT:	Mr S Williams
SITE ADDRESS:	Land west of 4 South Terrace, Framwellgate Moor Durham
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Andrew Inch, Senior Planning Officer (0191) 301 8745 Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises in part an area of vacant land, partly sown to grass, partly mud and partly hard surfaced, and which is currently used for vehicle parking, siting of storage container and storage of building materials. The site is also made up of an unmade, narrow access in a poor state of repair and which serves a number of existing residential properties from Front Street, as well as including some parking spaces. To the front of the site is the access with a number of new residential dwellings, set on higher ground level, beyond. To the rear are traditional terraced two storey dwellings largely of render and slate with some brick. These properties appear to have pedestrian access onto the application site as well as one having vehicular access. To the east and adjoining the site is an existing terrace of two storey properties, some with attic accommodation, while to the west is an area of gardens with further residential development beyond.

2. Planning permission is sought for the erection of a pair of two storey semi-detached dwellings laid out in an L-shape, with 3 bedrooms in each. The properties would be a mix of render and facing brickwork with grey slate roofing. Three parking spaces would be provided to the front of the dwellings. An integral part of the application is the proposed upgrade of the unmade access road to an adoptable standard including parking bays adjacent to 16 Front Street, and both vehicular and pedestrian access in tarmac with associated drainage. The upgraded access would stop at the western edge of the proposed dwellings.

3. The application is reported to Committee following an objection from Framwellgate Moor Parish Council.

PLANNING HISTORY

4. At the Central and East Area Planning Committee of 21 October 2010, it was resolved to refuse planning permission (10/00470) for the erection of two dwellings at this same site on the basis of inadequate levels of privacy for surrounding and prospective occupiers. An appeal against the Council's decision has been lodged and a decision is awaited. That application followed the refusal of planning permission (09/00797) for two dwellings and an apartment in December 2009. The reasons for refusal related to the land being considered to not be previously-developed, unsuitable access and privacy loss for surrounding residents.

5. In addition, and of significance to the application site is a planning permission (06/00849) for the erection of two dwellings immediately to the east of and adjoining the site; 3 and 4 South Terrace. Permission was granted subject to conditions, and specifically that the access road was upgraded prior to the occupation of the development following agreement of an appropriate scheme. Such agreement was reached and involves the construction of part of the road, to form a turning head, on the site subject of this application. The dwellings have been erected and are occupied; however, the road is not upgraded. A s73 application (09/00554) to remove the condition from the original permission was refused in September 2009. In February 2010 and subsequent to the refusal of planning permission to redevelop the site and to remove the condition requiring the access upgrade, a breach of condition was served with a six month period for compliance which has now lapsed without the steps in the notice being complied with. The developer may now be open to prosecution in the under section 179 of the Town and Country Planning Act 1990.

PLANNING POLICY

6. NATIONAL POLICY:

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

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

Planning Policy Guidance note 13: Transport 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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

7. REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Of particular relevance are the following policies:

Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.gos.gov.uk/hestore/docs/planning/rss/rss.pdf>*

8. LOCAL PLAN POLICY:

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

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

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

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

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

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

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

Policy 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 Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>.

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

The Highway Authority advise that this application is very similar to the previous application which was recently refused planning permission, and one which they had no objection subject to conditions requiring the improvement of the access road to adoptable standards before any work on the construction of the two dwellings. This application is almost identical although the parking is at right angles to the road which is acceptable. Therefore, subject to an appropriate condition to secure the implementation of the access, they have no objection.

There have been no further statutory consultation responses, however, Northumbrian Water Limited did comment on the previous application, and advised that whilst they had no objection to the proposals, a public sewer crosses the site and is shown built over on the application and it would need to be diverted. An appropriate condition was suggested.

10. INTERNAL CONSULTEE RESPONSES:

There have been no internal responses, however, the Area Planning Policy Team have previously advised that the site constitutes previously-developed land in a sustainable location with good access to shops and other key service requirements of Local Plan Policy H2 and PPS3.

11. PUBLIC RESPONSES:

Three representations have been received.

The owners of 7 Victoria Court consider the revised scheme to be acceptable in scale terms and less imposing than the previous scheme, whilst overlooking concerns are now eliminated. Concern is expressed regarding site access, but they note that this issue appears revised, although action to ensure that no obstructions occur is encouraged.

The occupiers of No. 10 South Terrace object to the application, and feel that the proposal would not be an enhancement to the area. They remain concerned fundamentally about the issue of access and the importance of surrounding that it is not restricted to allow the safe passage of emergency vehicles, for example. Concerns are also expressed in terms of the likelihood of the works to the access road being undertaken.

Framwellgate Moor Parish Council objects to the application. They are concerned that previous planning requirements require resolution prior to further development being approved. In particular, efforts to undertake improvements to the whole of the access road should be demonstrated, and in the event that the whole road is not upgraded, they are concerned about increased run-off onto the unmade road. Assurances are sought about the enforcement of planning conditions.

12. APPLICANTS STATEMENT:

These are revised proposals following the Council's refusal to grant planning permission, reference 4/10/00470/FPA, on 28 October 2010 for the erection of two number dwellings with associated parking together with upgrading of access front Front Street at land west of 4 South Terrace, Framwellgate Moor, County Durham.

Prior to this the Council had refused to grant planning permission, reference 4/09/00797/FPA, on 11 December 2009 for the erection of two number, two-storey dwellinghouses and one duplex apartment with associated parking at land west of 4 South Terrace, Framwellgate Moor, County Durham.

However arduous this process may have seemed at times, we acknowledge the views of Council officers, the Committee and nearby residents have helped to inform the design process and have improved the design that you now consider.

In the revised planning application 4/10/00470/FPA, despite a refusal of planning permission, we overcame two significant reasons for the refusal of planning permission 4/09/00797/FPA. Firstly, the LPA agreed that the site constituted previously developed land and that windfall development is permissible. Secondly, that the proposals to upgrade the access from Front Street was acceptable and would provide existing residents with a much improved carriageway of an adoptable standard.

Now this application, building on the previous two, seeks to address concerns about separation distances between the proposed development and Tindale Avenue/Victoria Court. To do so warranted a slightly different approach.

We have reduced the number of bedrooms compared to proposals in application 4/10/00470/FPA. The number of parking spaces remain consistent at three but are now located to both the front and rear of the proposed dwellings.

The other notable difference is that the west elevation of the proposals becomes a principal elevation of one of the dwellings. They also introduce a gable to the north and south elevations.

We have significantly reduced the number of facing habitable room windows on the north elevation from 10 to four, dramatically reducing the propensity to overlook or affect the privacy of the residents of Victoria Court. Similarly, we have reduced the number of facing habitable room windows on the south elevation from two to nil.

Crucial to the consideration of this application are the separation distances between facing habitable rooms of the proposed dwellings and those of Tindale Avenue and Victoria Court.

Concentrating on the north elevations first, these revised proposals have significantly extended the separation distances between facing habitable room windows to 20.1m. This is slightly less than the required distance of 21m quoted in Policy Q8 but we trust the LPA will agree the measurement is so close to the given standard that the difference can be regarded de-minimus. However, in redesigning the scheme we have achieved a window to blank two-storey gable separation distance of 14.6m exceeding the 13m standard. Secondly, on the south elevation, we have achieved a window to blank two-storey gable separation distance of 13.1m in accordance with the separation standard of 13m. As can be seen from these figures, these proposals now largely accord with Policy Q8.

We consider we have designed a quality development that will sit comfortably and appropriately in its setting. We appreciate that there remains some concern about the development of the land but we are also mindful that some whom have previously objected now consider that there are no remaining material planning objections to these proposals.

Nevertheless, those concerns arising from the Council's public consultation on previous planning applications have informed our design process and we consider that we have fully addressed these concerns and that these proposals now comprehensively accord with the relevant National, Regional and Local Planning Policies and planning policy guidance. We are also thankful to officers for their invaluable advice in bringing about these revised proposals.

We consider that the Committee has an opportunity to bring about a much-needed improvement to this 'wasted land', and in approving this application, to provide an upgrade to the access road for the benefit of the community. We remain firmly convinced that this development will bring benefits not only to the end users but also to the wider residential amenity of the area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00845/FPA>.

PLANNING CONSIDERATIONS AND ASSESSMENT

13. As noted at paragraph 4 above, Members will note that this application is a resubmission of a scheme for two dwellings which was refused planning permission at the Central and East Area Planning Committee of 21 October 2010 on the basis that the scheme would provide inadequate separation distances to existing dwellings and therefore the privacy and amenity of both existing and prospective occupiers would be compromised. The principle of redeveloping this previously-developed site for housing has been accepted and needs not be revisited in this report. The main issues are therefore whether the revised layout and design of the two dwellings is acceptable in terms of its impact upon the amenity of existing and prospective occupiers and upon the character of the area, and whether there would be detriment to highway safety having regard to the revised layout and the objections received.

Residential Amenity

14. This scheme is a direct response to address the reason for refusal of the previous application. The layout of the site has been revised to form an L-shaped development, and where the rear south facing elevation would be some 13m from properties in Tindale Avenue

and where there would be no habitable room windows at either ground or first floors. This distance would accord with the required separations standards set out at Policy Q8 of the Local Plan. Windows would serve en-suites, bathrooms and a landing, all of which could be obscurely glazed. Main habitable room windows are positioned in the north, east and west facing elevations of the dwellings, with 21m provided towards dwellings in Victoria Court, again according with required distances set out at Policy Q8. It is considered that the privacy and amenity of the occupiers of surrounding existing dwellings would be safeguarded by the proposed development in its revised form.

15. In terms of the amenity of prospective occupiers, it is considered that the layout provides sufficient amenity space for both dwellings, while the orientation of windows and oblique angles across the parking court are such that the privacy and amenity of prospective occupiers will not be compromised. It is therefore considered that having regard to the reason for refusing the earlier application, that the scheme subject of this report has successfully addressed the issue of privacy loss, and now accords with the requirements of Policy Q8 of the Local Plan.

Visual Amenity

16. In visual terms, although the properties would be detached from the rest of the terrace, the L-shaped layout responds well to the sites constraints whilst offering an effective stop to the end of the terrace, particularly in its amended form, having a principle elevation facing east towards the entrance to the street. The blank gable facing onto the street at the western end of the development is enhanced through the use of a mock window featuring recessed brickwork together with artstone heads and cills. An objector to the previous scheme has commented on the enhanced appearance of the scheme and welcomes the revised design. In terms of materials the use of red facing brickwork and render to elevations together with grey roof slate is considered entirely appropriate in character to its surroundings. In scale terms, the scheme sits comfortably with those dwellings immediately surrounding the site. The proposed dwellings have a ridgeline of some 8.5m, which is around 0.6m lower than the adjacent 4 South Terrace, and similar to those properties in Victoria Court opposite, taking account of the levels change. The proposed dwellings would, it is considered, enhance this vacant and visually unappealing site, and would accord generally with the aims of Policy Q8 and the need for high quality design.

Highway Safety

17. Turning now to site access. The unacceptable nature of the access, in terms of its condition, narrowness, and propensity to become congested at its eastern end have been raised previously, both by objectors and consistently by the Highway Authority when considering applications for development on this street over the last five years.. The access is on inspection in a very poor state of repair, having large areas of potholes and broken surface, whilst there are no footpaths or streetlights and its narrowness is such that the section toward the eastern end can become congested as a combination of vehicles moving in opposite directions together with parked vehicles creating a bottleneck neck. To address the condition of the access and in order to resolve a breach of planning control in respect of a condition requiring the upgrade of the access prior to the occupation of the adjacent dwellings at 3 and 4 South Terrace, this application includes details of the means by which the access would be upgraded.

18. The Highway Authority has consistently stated in the strongest terms that the existing access is unsuitable to serve further residential development. This application, like the previous submission identifies a detailed scheme to upgrade the access which includes the provision of a tarmac surface from the junction with Front Street as far as the western edge of the application site. This would incorporate pedestrian footways, lighting, drainage and parking spaces at both the Front Street junction and three spaces to the front of the proposed dwellings as well as a turning head positioned between the western gable of 4 South Terrace and the first proposed dwelling. The Highway Authority have considered in detail the proposed scheme and consider that it would be of an appropriate standard to serve the development, provided that the road works are completed prior to any works commencing on the proposed dwellings and that the final wearing course should be delayed until after all building works are completed. The proposed road upgrade would therefore have a number of benefits including providing existing residents with a much improved carriageway of an adoptable standard and it would address a breach in planning control.

19. There are some areas of land which could, with their owners consent, be added to the area of surfaced highway. This includes in particular, the area further to the west of the proposed road improvement, and while this would be beneficial to neighbouring properties and provide a more complete improvement of the area, it would be outwith the red-edged application site, and could not be imposed on the developer as part of this scheme. In requiring highway improvements, the works must be proportionate to the development proposed, and in this case, it is considered that the access upgrade and its extent is proportionate to the two dwellings proposed and the two already constructed, and as such, it is considered that the scheme accords with Policies T1 and T10 of the Local Plan. A condition requiring the implementation of the submitted access upgrade prior to development commencing in order to resolve the earlier breach in planning control and serve the site by an appropriate means of access would be required. The final wearing course would be required in advance of occupation. Residents' concerns about parking levels and the access being narrowed are considered to not be of such weight that they would outweigh the Highway Authority's conclusion on this issue. Similarly, concerns expressed by an objector in relation to obstruction of the access during construction would be a civil matter as the road is not a highway, while following its adoption any obstruction would become a police matter.

Other matters

20. Issues of drainage have also been raised, in terms of the development being shown to build over a sewer as well as increased surface water run-off from the new access road. Subject to the sewer being diverted with Northumbrian Water Limited's permission, this would not be a reason to resist the proposals in its own right since the matter could be adequately controlled in the event that permission was granted. Turning to surface water run-off, it is considered that in providing a scheme of an adoptable standard which would incorporate drainage to cater for surface water run-off at its western extremity, there should be no reason why increased surface water run-off would occur.

CONCLUSION

21. In conclusion, it is considered that, having previously accepted that the site constitutes previously-developed land and its development for residential purposes would be acceptable in principle having regard to Policy H2 of the Local Plan, and that the detailed access upgrade is proportionate to the development proposed. The proposal would also

have the affect of addressing the breach of planning control in respect of the adjacent site as well as some benefit to existing occupiers, in that this latest revised scheme now provides required separation standards to surrounding existing occupiers, as well as prospective occupiers. Accordingly, it is considered that the latest proposals now present an acceptable solution to developing the site, and approval is therefore recommended, subject to appropriate conditions, including restrictions upon the erection of extensions or insertion of windows to the southern elevation of the dwellings which could potentially harm the amenity of occupiers in Tindale Avenue.

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.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing No.s 203B, 204B, 205B and 206B received 22 December 2010.

Reason: In the interests of visual amenity in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy H13 and Q8 of the City of Durham Local Plan 2004.

4. No construction work for the two dwellings hereby approved shall commence until the access upgrade scheme as shown on drawing no.s 201 A, 202 A, 207, 208, and 209 has been implemented in full with the exception of the final wearing course, which shall be implemented fully prior to the occupation of the first dwelling.

Reason: In order that the development is served by an access of an adoptable standard and in the interests of both vehicular and pedestrian safety in accordance with Policy T1 of the City of Durham Local Plan 2004.

5. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

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6. Development shall not commence until a detailed scheme for the diversion of a public sewer shown as being built over has been submitted to and agreed in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall take place in accordance with the approved details.

Reason: In order to ensure a public sewer is not built over and in the interests of the proper drainage of the area in accordance with Policy U8a of the City of Durham Local Plan 2004.

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.

Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

8. Within one month of the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of visual amenity in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B and C of Part 1 of Schedule 2 of the said Order shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the Local Planning Authority.

Reason: In the interests of the ensuring adequate levels of privacy and amenity for the occupiers of properties in Tindale Avenue in accordance with Policy Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the first floor windows to the southern elevation of the two dwellings hereby approved shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local Planning Authority. The agreed glazing shall be installed and retained thereafter in accordance with the agreed scheme.

Reason: In the interests of the ensuring adequate levels of privacy and amenity for the occupiers of properties in Tindale Avenue in accordance with Policy Q8 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The proposed scheme would involve the redevelopment of previously-developed land to provide two dwellings of appropriate scale, massing and materials to the character of the area, and without compromising the amenity of surrounding or prospective occupiers. The improved site access of an adoptable standard would benefit both existing and prospective occupiers and would seek to address an existing breach of planning control in respect of an adjacent development. The proposals are therefore considered to comply with of Policies H2, H13, T1, T10 and Q8 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 4, 7 and 24 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to issues of privacy loss and the safeguarding of amenity levels for the residents of Tindale Avenue to the south and Victoria Court to the north.
3. It is considered that objections received in this case are not determining, being of insufficient weight to outweigh the schemes general accordance with the aims of national, regional and local planning policies, together with the use of appropriate conditions to safeguard residential amenity and generally.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Amended Plans

Planning, Design and Access Statement

Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13

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

City of Durham Local Plan 2004

Response from Highway Authority

Public Consultation Responses

Response from Framwellgate Moor Parish Council





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	Comments		
Date	20 January 2011	Scale	1:625

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00891/FPA and 4/10/00892/LB
FULL APPLICATION DESCRIPTION:	Demolition of existing library building and erection of 2 no. two and a half storey student accommodation blocks (66 rooms) to rear of existing university accommodation with associated works to existing buildings
NAME OF APPLICANT:	St. John's College, Durham University
ADDRESS:	Land To Rear Of 4, 5, 6 And 7 South Bailey, Durham
ELECTORAL DIVISION:	Elvet
CASE OFFICER:	Andrew Inch, Senior Planning Officer (0191) 301 8745 Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to St John's College, a college of Durham University occupying a number of seventeenth, eighteenth and nineteenth century converted houses, together with some twentieth century infill development located on South Bailey. The buildings are utilised as student accommodation and related facilities, administrative functions as well as lecture rooms and resource centres. A crèche operates within 7 South Bailey.

2. The majority of the buildings within the application site and surrounding it are Listed Buildings, including in particular, the Grade I Castle Wall which runs perpendicular to South Bailey along the eastern site boundary. Other notable buildings include the Grade II* garden wall separating the former burgage plots which run at right angles to the frontage buildings along South Bailey. In heritage terms, in addition to the many Listed Buildings, the site is within the Durham (City Centre) Conservation Area, as well as within the setting of the Castle and Cathedral World Heritage Site, the designated boundary running along South Bailey. Although the site is not immediately publicly visible, the existing buildings are visible to some extent through the heavily treed banks of the River Wear below the site when looking west across the river, whilst the roofscape is particularly visible above the tree cover, and often with the Cathedral's main tower in the background. The site is therefore of the utmost sensitivity in heritage and landscape terms.

3. The applications subject of this report are the culmination of extensive pre-application discussions between Council Officers and English Heritage, and comprise applications both for planning permission and listed building consent. Principally, the applications seek to demolish the existing twentieth century library building, a single storey brick building positioned at right angles to the main frontage buildings, but attached to them and grade II listed as a result. The library would be replaced by a two and a half story building providing accommodation for students of St John's College. This accommodation block would extend beyond the existing building towards the grade I listed Castle wall and would indeed both over-sail and incorporate it into the eastern end of the building. A second accommodation block is proposed to the south positioned to the rear of Grade II listed 6A South Bailey, and would be linked by a single storey lightweight structure featuring the use of glazing and cor-ten steel cladding. In all, the two accommodation blocks would provide 66 en-suite rooms over three levels, providing some 1663sqm new floorspace. The buildings would have a relatively contemporary design and would be constructed of facing brickwork beneath a zinc covered pitched roof. The garden wall to the rear of 6 South Bailey and which separates the two proposed accommodation blocks would have a new opening created in it to provide a pedestrian link between the buildings.

4. The applications are part of an ongoing strategy by St John's College to consolidate their student accommodation on the Bailey and rationalise accommodation at disparate locations across the City in order to reinforce the traditional collegiate ethos of the college and the sense of community that this creates for students and staff.

5. The application is supported by a wide range of information which includes: Planning Statement, Design and Access Statement, extensive Heritage Statement, Visual Impact Assessment, Archaeological Evaluation, Bat Survey and Arboricultural Implications Assessment.

6. The applications are reported to Committee as the level of floorspace proposed is such that the scheme constitutes Major development.

PLANNING HISTORY

7. In September 1995, planning permission and listed building consent (95/00449 and 95/00450) were granted for the erection of a detached single storey building for use as a lecture theatre. The building was positioned to the rear of 6A South Bailey, on the site of the proposed southern accommodation block.

PLANNING POLICY

8. NATIONAL POLICY:

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

Planning Policy Statement 5: Planning for the Historic Environment sets out planning policies on the conservation of the historic environment.

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.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>.

9. 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. Policies of particular relevance to these applications include the following:

Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.

Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.

Policy 9 (Tyne and Wear City Region) ensuring a scale and quality of development to reflect Durham City's unique character.

Policy 25 (Urban and Rural Centres) seeks to ensure amongst other things that the design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.

Policy 32 (Historic Environment) recognises the opportunities for heritage led regeneration to be used in a constructive way to help bring about social and economic regeneration, and to encourage its potential for business, education and tourism.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

10. LOCAL PLAN POLICY:

Policy E3 (The World Heritage Site – Protection) seeks to ensure that the site and its setting will be protected by restricting development to safeguard local and long distance views and by application of policies relating to conservation areas, listed buildings and archaeology.

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 that would affect trees and hedgerows. The loss of ancient woodland will not be permitted. Tree preservation orders will be designated as necessary. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

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

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. As far as possible, unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified.

Policy 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 by not permitting, development that would adversely affect the special interest of a listed building, total or substantial demolition, or development detracting from the setting of a listed building. Any alterations must be sympathetic in design, scale and materials.

Policy E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ. Where preservation in situ is not justified, the Council will ensure that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose that such remains exist whose extent and importance is not known, that pre-application evaluation or archaeological assessment will be required. The Council will require, as a condition of planning permission that prior to development an appropriate programme of archaeological investigation, recording and publication is made, in cases where the preservation in situ of archaeological remains is not justified. In the event of archaeological remains being discovered once development has commenced, the Council will seek to ensure that adequate opportunity is made available to investigate and record such discovery.

Policy H16 (Residential Institutions and Student Halls of Residence) states that the Council will be permissive of such developments provided that: they are well related to existing facilities and services; satisfactory amenity space for residents is provided; they do not detract from the character or the appearance of the surroundings; and, that the amenity of surrounding residents is not adversely affected.

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 C3 (University of Durham) states that the Council will support development proposals by the University of Durham which, amongst other things, strengthen its academic and research presence in the City of Durham and assist in the provision of adequate student accommodation facilities.

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

Policy Q5 (Landscaping) states 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 Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>.

CONSULTATION AND PUBLICITY RESPONSES

11. STATUTORY RESPONSES:

English Heritage have been involved extensively in pre-application discussions, and have advised that the layout, scale and form of the buildings would work well and the submitted Visual Impact Assessment confirms that the impact upon the landscape of the peninsula would be acceptable, and they recommend that the applications are approved subject to conditions.

Natural England, although noting that the surveys undertaken were rather late in the season and that the surrounding habitat was of a quality that could support a maternity roost, the building to be demolished did not reveal any signs of such a roost, being well-sealed, and concluded there is no evidence of a roost. As such, they have raised no objection to the proposals subject to the imposition of a condition regarding mitigation measures outlined in the Bat Survey.

The Highway Authority has advised that the application has no direct impact upon the highway one completed, as the buildings are all to the rear of existing college buildings. Whilst a larger number of rooms could lead to increased activity, the unique location and restrictions on vehicular access to the peninsular mean there would be no increase in vehicular access to the site. The construction phase will, however, present some problems due to the limited site access and restricted vehicular access. No objection is raised.

Northumbrian Water Limited has raised no objection to the proposed development.

In accordance with Circular 08/2009, consultation with the National Amenity Societies has been undertaken, however, no responses have been received.

12. INTERNAL CONSULTEE RESPONSES:

The Design and Conservation Section advise that this substantial and significant proposal is probably the largest development scheme on the Durham peninsular for a number of years and has been the subject of significant discussions and negotiation. However, it is considered that the scheme as proposed is appropriately scaled and that the impact on views of acknowledged importance is limited and acceptable.

The Ecology Section note that the daylight building survey was carried out in late winter (prior to the bat survey season) and the bat emergence survey work was done in September (late in the bat survey season) which is far from ideal, however the building appears to be well sealed and that no field signs were found. They consider that the mitigation proposed should ensure that the risk to bats is minimized and they have no objection, subject to the mitigation being conditioned as part of any planning consent.

The Archaeology Section has advised that the development will affect buried archaeological remains as well as the standing castle wall and potentially the rear of 7 South Bailey. The final design of the foundation is critical to how archeological remains will be dealt with, however, it is understood that a 3m trench foundation will be used as opposed to piling, for example, and on this basis, conditions are proposed with regard to the submission of a written scheme of investigation, implementation of its recommendations and submission of analysis and recording after completion.

The Landscape Section has no objection to the proposals, subject to the adequate protection of retained trees during construction.

13. PUBLIC RESPONSES:

There has been one letter of representation.

The City of Durham Trust acknowledges a full and exemplary planning application for what is a highly sensitive site. They consider the positioning, scale, massing, and proposed materials for the two residential blocks constitute an acceptable proposal. They do, however, consider the fenestration should be more traditional, while the associated box-like dormers and projections are a jarring feature. Finally, they suggest that staggering of the western end of both blocks would provide greater acknowledgement of 6 South Bailey, which would form the third built side of the resultant courtyard.

14. APPLICANTS STATEMENT:

The proposal involves the construction of two residential blocks at the rear of the existing buildings in South Bailey in order to improve the College accommodation for its students and, out of term, its conference business. The site is in a very sustainable location within the historic core of Durham close to retail, leisure, and university facilities, and public transport links. The design is sympathetic in style and subservient to the surrounding historic buildings. As a result it has overcome the constraints which were identified during design development and the pre-application discussions with officers of the Council and English

Heritage. The proposal will not adversely affect the adjacent World Heritage Site or the Durham (City Centre) Conservation Area, as views are only possible from the east and south and the visual impact of the proposed buildings is deemed to be negligible. Also, the impact on the adjacent listed buildings is considered to be minimal.

The above represents a summary of the comments received on these applications. The full written text is available for inspection on the application files which can be viewed at:

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00891/FPA> and
<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00892/LB>

PLANNING CONSIDERATIONS AND ASSESSMENT

15. The main issues relate to the principle of the development and the justification for the proposals having regard to the role of St John's College and indeed Durham University in the City balanced against the loss of designated heritage asset significance. In addition, consideration will be given to the wider impact of the proposals upon heritage and landscape assets both within the application site and its surroundings, in terms of loss of significance, archaeology, impacts on important and historic views, and the effect on the setting of the Castle and Cathedral World Heritage Site (WHS), and whether there would be detriment to issues of highway safety, ecology, trees and whether the proposed use would be compatible with those surrounding the site. Each issue must be considered in the context of, and having regard to Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the listed buildings subject of and affected by the proposals, in terms of their settings, and the features of special architectural or historic interest which they possess, and whether the character and appearance of the Durham (City Centre) Conservation Area would be preserved or enhanced, respectively.

Principle and Justification

16. Policy C3 of the City of Durham Local plan is supportive of development proposals by Durham University, of which St John's College (the College) is a part, where it would assist in the provision of adequate student accommodation. The proposed accommodation blocks form part of a wider accommodation strategy (Building for the Future – Update on Estates Strategy November 2010) by the College to rationalise existing student accommodation in disparate locations across the City in order to concentrate their accommodation provision on the Bailey and seek to reinforce the collegiate system which is such a historic and traditional feature of Durham University and where students both live and learn within the College. This assists in the promotion of a sense of community among both staff and students of the College. The justification for the proposals is considered acceptable having regard to the culture of the College and the way in which it operates. The development would directly lead to the loss of a building which, by virtue of its attachment to the rear of 4 South Bailey is Grade II listed.

17. Policy HE9 of PPS5 advises that total loss of designated heritage asset significance should be refused unless it can be demonstrated that there are substantial public benefits that outweigh the loss. As outlined above, the proposed accommodation blocks are a critical part of delivering the College's important aspirations of reinforcing its collegiate ethos by concentrating its accommodation offer on a single site on the Bailey. This long-held and traditional collegiate system is a significant part of the culture of Durham University and its continued attraction as a destination for students is critical in order to both maintain and further strengthen the University's academic and research presence in the City. It is therefore considered that the additional student accommodation facilitated through the loss

of the existing library building will provide continued substantial public benefits to the City and the critical and central role that the University and the College play in the City. Taking account of English Heritage advice, the loss of significance through demolition is therefore acceptable in principle having regard to Policy HE9 of PPS5 and the statutory requirements set out at section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on Heritage and Landscape Assets

18. As outlined above, the proposals would involve the demolition of a twentieth century library building, however, they would also impact directly other listed buildings on the site, together with effects on the setting of the World Heritage Site and Conservation Area. The accommodation block would be positioned parallel with the historic burgage plot lines and at right angles to the frontage buildings along South Bailey. Achieving subservience and a development form which cascades down from the frontage buildings towards the river is a critical feature of the design of the accommodation blocks. At around 10m in height both blocks would be slightly lower than the eaves level of the frontage building of which they would form an extension, while each block includes an element of reduced width and height at the eastern end (adjacent to the castle wall), which is a reflection of the hierarchy of the proposed blocks as secondary, subservient elements within the wider development pattern. The City of Durham Trust has suggested a recess to both accommodation blocks at their western ends to provide a greater appreciation of 6 South Bailey, the third side of the courtyard which would be created. The proposed accommodation blocks are, it is considered, positioned in such a way that there will be uninterrupted views of the rear elevations of both 5 and 6 South Bailey, although, the presence of substantial vegetation in and around the garden wall positioned centrally in the courtyard will ultimately restrict the ability to appreciate all three sides of the courtyard in any event. Amending the scheme in this way would therefore be unjustified.

19. The eastern end of the northern block would over-sail the grade I castle wall and incorporate it into the ground floor room. The application details how the wall would be retained, with glazing chased into an existing concrete coping, together with minimal fixings. The works are considered to successfully integrate old and new without causing harm to the heritage significance of the grade I heritage asset, and this would accord with Policies HE7 and HE9 of PPS5 as well as Policy E23 of the Local Plan. Further impacts on designated heritage assets relate to the creation of a new opening within the grade II* garden wall which will assist in the creation of linked courtyard spaces between the proposed accommodation blocks, and while there will be some loss of significance to facilitate this, it is considered that the creation of attractive courtyard spaces and sensitive repairs to either side of the new opening ensure that significant harm would not arise.

20. Whilst the development can, it is considered, be successfully assimilated into its immediate environs without causing significant or unmitigated adverse effects upon designated heritage assets as described above, it is also of considerable importance to ensure that the development is subservient and reflective of historical development patterns on the Bailey, and central to this has been the aim of ensuring that the proposed buildings would not become unduly prominent on the skyline above or through the wooded riverbanks or affect important historical views of the peninsular, and in particular ensure that no harm would arise to the setting of the Castle and Cathedral World Heritage Site. A Visual Impact Assessment (VIA) has been undertaken which seeks to demonstrate the impact of the proposals on important views. The key viewpoints identified through the Heritage Statement and from discussions with Council Officers include: Kingsgate Bridge; footpaths through St Oswald's Churchyard; and, Mount Joy.

21. The key issue is not whether the proposed buildings can be seen but whether their appearance is acceptable or not. From the evidence presented in the VIA and from Officers own assessment of the site in numerous site visits at various times of the year it is apparent that the proposed buildings are likely to be seen from some viewpoints even during the summer with full leaf coverage. The VIA has been developed to demonstrate possibly the most exposed time of year to view the site and it can clearly be seen in views from Kingsgate Bridge and St Oswald's churchyard.

22. The photomontages demonstrate clearly that within the vista of the City presented from Mount Joy the proposed development would be barely visible and in any event would be seen in the context of larger and more prominent buildings on the peninsular, notably the Cathedral, the pale stone buildings set around the College and the brick built rear elevation of College buildings on South Bailey. In this context the proposal is acceptable.

23. Turning to the views from Kingsgate Bridge, views towards the site are predominantly of the trees in the escarpment above the west bank of the river. The photomontages demonstrate that the ridge line of the proposed buildings would appear above the trees behind the chimneys of Cruddas Hall. In this context it is a recessive dark grey element with two punctuating chimney/vent features and is positioned in a gap between two larger tree canopies. Without the proposal the view includes a lower ridge line of a three storey building further south along the Bailey which is slightly lower than the proposed northern accommodation block. The effect of the proposal is to increase the height of the built mass when viewed from Kingsgate Bridge, however, this is an extremely subtle increase given the distance, scale and perspective and also taking into account the presence in a similar manner of building roofs closer to the bridge which lie on the Bailey. In the views presented it is therefore considered that although the proposed buildings would be visible in the landscape, their presence would be a minor element in the wider landscape and would be an acceptable alteration to the skyline.

24. The night view illustrates the subtle pinpoints of light which enliven the darkness of the peninsular with the College buildings providing a peppering of light sources across the peninsular which provides depth to the foreground of the floodlit Cathedral. The proposed development would add to this very slightly, but the minimal use of glazing in the gable ends and lift shafts ensures that light spill from the development is carefully controlled and is successfully achieved.

25. The final two viewpoints considered are from points at St Oswald's churchyard and the adjacent footpath network. The photomontage from the footpath show that the gable of the southern block is visible through the leafless trees of winter, however the gables present an elevation similar in colour and form to existing structures and are positioned directly in front of a similar coloured gable of other Bailey buildings, while from the churchyard itself, although visible through the trees, the appearance of the buildings is moderated by the dense branch coverage and the existing buildings.

26. It is considered therefore, noting in particular English Heritage advice, that the subservient scale, design and positioning of the proposed buildings are such that they would appear as either minor elements in a richly textured landscape that is unnoticeable in wider vistas, or as an addition to a complex and multi-layered view which is seen in the context of a wide range of buildings and which would be well blended well into the landscape. The proposals would not therefore cause adverse affects upon the wider setting of the World

Heritage Site, and would preserve the character and appearance of this part of the Durham (City Centre) Conservation Area and thus the scheme would accord with Policies HE7 and HE9 of PPS5 and Policies E3, E6, E22 and E23 of the Local Plan whilst having regard to both sections 16 and 72 of the Act.

Archaeology

27. The application is accompanied by a pre-development Archaeological Evaluation Report which details the findings of four excavated trenches, all of which contained archaeological remains. These included a series of post medieval and medieval soil layers, remains of outbuildings and features and elements of the Castle Wall, for example. Development of the two accommodation blocks in and around the area of the trenches has shown clearly the presence of important archeological remains, and it is clear that the scheme will have a direct impact upon them. It is the foundation design which is likely to determine the extent to which the archeological remains will be affected. Although the final foundation design has not yet been produced, engineers advising the applicants have advised that a 3m trench foundation is favoured as opposed to piling, for example, where recording of archaeological deposits is not possible, and can cause damage to any obstructions which may be of archaeological importance.

28. It is on this basis alone, that the Council's Archeology Section does not object to the scheme, and therefore recommend a number of conditions to ensure appropriate mitigation measures to record and protect affected heritage asserts. Specifically, these include conditions relative to a written scheme of investigation to be informed by the final foundation design, a condition suggested in its own right, together with conditions to secure the implementation of the mitigation strategy set out in the aforementioned scheme of investigation, together with a final condition to secure the submission of analysis and results of recording to the Historic Environment Record following completion of the development. This approach accords with Policy HE12 of PPS5 and Policy E24 of the Local Plan.

Design and Materials

29. The proposed accommodation blocks demonstrate an undoubtedly contemporary design approach, but strive, be it through materials or detailing to have significant regard to the character of surrounding buildings. Indeed, though the shape of the building is undoubtedly horizontal in nature, the design does seek to introduce features to provide greater verticality which is more typical of the application site and surrounding buildings. In particular this verticality is picked up by the entrance element and the lift shafts. Such elements, combined with dormers and ridge-mounted ventilators, seek to ensure the relative mass of the buildings are effectively broken. In addition, the ventilators reflect the simple design of the prominent chimneys on many of the existing College buildings.

30. The principal materials for the proposed blocks are brickwork for the external walls and zinc for the roofs. In order to provide a clear contrast and to reflect its different function, it is proposed that the external walls of the narrow link element between the south block and No. 6 South Bailey will be in Cor-ten steel, which will weather to a colour that will be sympathetic to the palette of the adjacent historic buildings. It is proposed that the external finish of all doors, windows, gutters and downpipes would be dark grey powder coated aluminium. The proposed detailing is simple with a modest flourish on the two lift shafts.

31. It is clear that the buildings have been designed in such a way that their appearance, scale and massing responds well to the building to which they will adjoin and the important historic views discussed above, for example, however, much of the success of the architecture proposed is dependent upon careful detailing of the fenestration and eaves for example, as well as careful choice of brickwork, mortar colour and bonding. It is considered that the design, scale, massing materials proposed in principle are acceptable having regard to the sites context and wider impact, however, a number of conditions will be required to control the precise detailing of the buildings in order to ensure they respond appropriately to the sensitivity of their surroundings, in particular, to control the appearance and reveal to windows to ensure their appearance is appropriate, as highlighted by the City of Durham Trust in their response. The design and materials therefore, as noted in English Heritage's response, are considered to be acceptable and appropriate to the site's context and in accordance with Policies E3, E6, E22 and E23 of the Local Plan.

Ecology

32. The application is accompanied by a bat survey. Surveys were undertaken at sub-optimal times, either very early or very late in the season. However, while the surveys acknowledge that surrounding habitat was of a quality that could support a maternity roost, the building to be demolished did not reveal any signs of such a roost being present since it is well-sealed with the exception of a ridge tile and boxed eaves, and concluded there was no evidence of a roost being present. In the absence of a roost being identified at the site, it is considered that derogation tests as set out in the Habitats Regulations need not be applied in this case. Natural England, and the Ecology Section concur with the conclusions reached in the bat survey and therefore do not object subject to the imposition of a condition regarding mitigation measures outlined in the bat survey which include amongst other things, avoidance of demolition during maternity and hibernation seasons and provision of mitigation in advance to include bat friendly features to the new buildings.

33. The latter can be readily achieved since it would be the applicant's intention to erect the southern block prior to the demolition of the existing library, thereby providing both habitat creation opportunities to existing buildings and trees and to the southern accommodation block prior to demolition. It is considered that the proposal would therefore be unlikely to have a significant adverse affect on species especially protected in law as evidenced by the supporting bat survey, and as such the scheme accords with the principles set out in PPS9 and Policy E16 of the Local Plan.

Trees

34. The proposals will result in the direct loss of two trees a hedgerow and a group of yew trees. The latter were planted as a memorial to a former college student and will therefore be replanted with sensitivity, while the two trees to be removed are both identified as being of low quality. There will be some development with the Root Protection areas (RPAs) of retained trees, however, this will be to a limited extent, and where it does occur, there will be tree friendly no dig working methods together with ground protection measures. The Council's Landscape Section has considered the proposals in detail and raises no objection to the proposals subject to the provision of protective fencing for retained trees during construction as shown on the drawings accompanying the submitted Arboricultural Implications Assessments. In summary, therefore, the scheme does not come at the expense of important trees, while those retained trees will be treated with sensitivity, and as such the scheme accords with Policy E14 of the Local Plan.

Highway Safety

35. As the Highway Authority note, the proposed buildings would have limited impact on the highway network given the unique locational characteristics of the site and the vehicular restrictions which result. Accordingly, they have raised no objection to the scheme, and as such, there is no conflict with Policy T1. While there may be some construction-related vehicular movements which could cause disruption to this part of South Bailey, such impacts are inevitably short-term and are rarely, if ever, afforded such weight that they would outweigh an otherwise acceptable proposal. The applicants are fully aware of the logistical difficulties which carrying out this development will pose, and have chosen a form of development and construction which assists in minimizing such difficulties.

Compatibility with surrounding uses

36. Within the application site and the ownership of the applicants is an independently operated crèche within 7 South Bailey. The southern elevation of the southern accommodation block would be positioned a little over 1m from the outdoor play space for the crèche with a large number of bedrooms overlooking it. This raises important use compatibility issues which have been raised with the applicants during pre-application discussions and during the assessment of the application. The applicants agree that the privacy and sensitivity of habitable accommodation overlooking an area where young children would play at such proximity is inappropriate and would therefore accept a condition which precludes the use of 7 South Bailey as a crèche upon first occupation of the southern accommodation block. This is considered to be an appropriate solution to a problem within the applicants control and would address the identified use compatibility conflicts.

37. Surrounding uses are otherwise very much university-oriented, and it is considered that the additional accommodation blocks pose no wider threat to the amenity of any surrounding occupiers, in accordance with Policy H16 of the Local Plan.

Sustainability

38. Policy 38 of the RSS requires that new developments of over 1000sqm of new floorspace should secure at least 10% of their energy supply from decentralized and renewable or low-carbon technologies, unless, having regard to the type of development involved and its design, this is not feasible or viable. In this case, such is the sensitivity of the site in terms of heritage assets both above and below ground and having regard to the design and architectural integrity of the proposed buildings, it is considered that achieving the targets set out at Policy 38 through renewable technologies such as solar panels or photovoltaic tiles, is not feasible and would not be desirable in this location. However, it is considered that the development should demonstrate a commitment to sustainability and reduced energy consumption and a condition is proposed which seeks to resolve the competing aims of sustainability and conservation of heritage assets.

Percentage of Art

39. Policy Q15 of the Local Plan, together with the accompanying Supplementary Planning Document, encourage the provision of artistic elements in the design and layout of development, and that this ought to equate to around 1% of the construction costs. Two artistic elements are included within the scheme, namely a sundial to the south elevation of the northern block and a clock on the opposite face of the southern block. The inclusion of such elements within the scheme are considered to satisfy the aims of the delivery of art within schemes in accordance with Policy Q15, however, noting the building's limited public accessibility, the full 1% construction cost is considered to not be required in this case. A condition requiring full details of the time-pieces is proposed.

CONCLUSION

40. In conclusion, the proposed accommodation blocks would provide additional and consolidated accommodation for St John's College, whilst demonstrating a level of sensitivity in the scale, design, layout and massing of the buildings which is entirely commensurate with the highly sensitive built environment both of the application site and that which immediately surrounds the site, including, for example the Castle and Cathedral World Heritage Site, the setting of which would be preserved, as evidenced though the submitted Visual Impact Assessment. Therefore, subject to the imposition of conditions to secure appropriate detailing to windows, for example, approval of both applications is recommended. However, since the application for Listed Building Consent relates to works directly affecting Grade I and II* Listed Buildings and the demolition of a Grade II Listed Building, and in accordance with Section 12 of the Planning (Listed Building and Conservation Areas) Act 1990, it is necessary for the application to be referred to the Government Office for the North East for their consideration. Consequently, Members can only be minded to approve the application for listed building consent.

RECOMMENDATION

1. That the application for **planning permission** (4/10/00891) be **APPROVED** subject to the conditions set out in Appendix A to this report.
2. That Members be **MINDED TO APPROVE** the application for **listed building consent** (4/10/00892) subject to the conditions set out in Appendix B to this report.

REASONS FOR THE RECOMMENDATION

1. The proposed development will bring about the consolidation of student accommodation at St John's College on South Bailey in a form of development which seeks to carefully respect the significant site constraints in terms of heritage assets comprising Grade I, II* and II Listed Buildings both in and around the site, the adjacent World Heritage Site and Durham (City Centre) Conservation Area and without causing undue significance loss to such heritage assets, interests of flora and fauna or highway safety. The proposals are considered to accord with Policies E3, E6, E14, E15, E16, E22, E23, E24, H16, T1, C3, and Q5 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of State's Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory

Purchase Act 2004), and Policies 8, 9 and 32 of the North East of England Plan - Regional Spatial Strategy to 2021.

2. In particular the development was considered acceptable having regard to the Local Planning Authority's duties in respect of Listed Buildings and Conservation Areas, in particular Section 16 and the special desirability of preserving the listed structure and its special architectural and historical interests, and in terms of Section 72, and the desirability of preserving and enhancing the character and appearance of the Durham (City Centre) Conservation Area, whether the setting of the World Heritage Site would be affected together with issues of, archaeology, ecology and compatibility with surrounding lands uses.
3. There have been no third party objections to the application. Correspondence from the City of Durham Trust suggesting amendments to the scheme have been given full consideration, and where appropriate conditions used to ensure the architectural detailing necessary is secured.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Amended Plans

Planning Statement; Design and Access Statement; Heritage Statement; Bat survey; Archaeological Evaluation Report; Visual Impact Assessment; Arboricultural Implications Assessment; and, Arboricultural Tree Constraints Assessment

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Statements / Guidance: PPS1, PPS5 and PPS9

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

City of Durham Local Plan 2004

EU Habitats Directive and the Conservation (Natural Habitats, &c.) Regulations 2010)

Responses from English Heritage, The Highway Authority, Natural England and

Northumbrian Water Limited

Responses from the Council's Design and Conservation Section, Archaeology Section, Landscape Section and Ecology Section

Response from the City of Durham Trust



APPENDIX A – CONDITIONS 4/10/00891 – PLANNING APPLICATION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing No.s 710/22, 710/23, 710/24, 710/25, 710/26, 710/28, 710/31 and 710/32 received 2 December 2010 and 710/21 and 710/27 received 15 December 2010 and 710/35 received 19 January 2011.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

3. Notwithstanding the information contained in the submitted application, no development shall commence until full details of the foundation design have been submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of ensuring minimal ground disturbance in this area of high archaeological importance, in accordance with Policy E24 of the City of Durham Local Plan 2004.

4. No development shall take place unless in accordance with the mitigation detailed within the protected species report '*A Bat Survey of the Library Building, St John's College, Durham University and Phase 1 Habitat assessment of the grounds at number 7 South Bailey, E3 ecology, version R04*', including, but not restricted to adherence to timing and spatial restrictions (avoidance of demolition during maternity and hibernation seasons); provision of mitigation in advance of development commencing (bat boxes to trees and existing buildings as shown on drawing no. 710/35); provision of bat friendly features in new buildings and adherence to precautionary working methods.

Reason: In the interests of safeguarding species especially protected in law, in accordance with Policy E16 of the City of Durham Local Plan 2004.

5. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI), including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The aforementioned WSI cannot be agreed by the Local Planning Authority until the foundation design (condition 3) has been submitted to and agreed in writing by the Local Planning Authority. The WSI shall include details of the following:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance – this is to include small scale excavations in advance of construction at east end of accommodation block to the

rear of No. 7 South Bailey and in the region of the supporting column on the SE corner of the building to the rear on No.4; as well as monitoring of all foundation trenches and service runs.

- II. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts, including methodologies for a level 2 EH-style building record survey prior to any render being removed to the rear of No. 6/7, prior to the access opening inserted onto the listed garden wall between No.'s 5 and 6; and recording works of all parts of the Castle wall which will be affected by the approved development.
- III. Post-fieldwork methodologies for assessment and analyses.
- IV. Report content and arrangements for dissemination, and publication proposals.
- V. Archive preparation and deposition with recognised repositories.
- VI. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- VII. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- VIII. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

6. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of each phase of development hereby approved by this permission.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

7. Notwithstanding the information submitted with the application, a sample panel wall shall be erected for agreement with the Local Planning Authority prior to development commencing and it shall include all of the following: brick type; mortar colour; bonding; jointing; window heads and cills; window sample including reveal; and, plinth course. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

8. The roof of the buildings hereby approved shall be finished in pre-weathered graphite grey zinc.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

9. Notwithstanding the information shown the submitted drawings, full details of the link building between the southern accommodation block and 6A South Bailey shall be provided to and agreed in writing with the Local Planning Authority. Such details shall be provided at scale 1:20 or larger and shall include details of the junction between existing and proposed buildings and the framing and fixing of the cor-ten steel cladding. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

10. Notwithstanding the details shown on the submitted drawings, prior to the commencement of each accommodation block, full details of the time pieces shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

11. Notwithstanding the details submitted with the application no floodlights or external lighting shall be erected without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

12. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, ridgeline, chimneys, ventilation, parapets, dormer windows, rooflights and rainwater goods shall be submitted at a scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

13. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, door and window heads and cills shall be submitted to at scale 1:20 or larger and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

14. Within one month of the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime. Such scheme as agreed shall be implemented fully prior to the first occupation of the northern accommodation block.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E15, E22, E23, H16 and Q5 of the City of Durham Local Plan 2004.

15. Notwithstanding the information contained in the application, works in relation to trees shall be carried in strict accordance with the following details:

a) The tree surgery works hereby approved as part of the development shall be carried out in accordance with the appropriate British Standard (BS 3998: Recommendations for Tree Work).

b) No construction work shall take place unless all of the trees and hedges to be retained within the site have been protected by fencing as shown on drawing no TPP-A, and shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1). No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the fenced areas for tree protection.

c) Ground levels within the fenced areas for tree protection shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) No underground service trenches or service runs shall be laid out without the prior written approval of the Local Planning Authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'.

Reason: In the interests of the visual amenity of the area and to comply with Policies E14, E15 and Q5 of the City of Durham Local Plan 2004.

16. Notwithstanding the information shown the submitted drawings, full details at scale 1:20 or larger of the alterations to the garden wall including repairs shall be submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

17. Notwithstanding the information shown on the submitted drawings, full details of the treatment of the castle wall where it meets the northern accommodation block shall be submitted to at scale 1:20 or and agreed in writing by the Local Planning Authority and shall include internal and external treatments, final finishes and repairs. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

18. Notwithstanding the information shown on the submitted drawings, full details of the external staircase alongside the northern accommodation block to include materials, railings and associated walling shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

19. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved details.

Reason: In order to meet the conflicting aspirations of Policy 38 of the RSS and Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

20. Prior to the first occupation of the southern accommodation block, the use of 7 South Bailey as a crèche, day nursery or related use shall cease and shall not re-commence.

Reason: In order to avoid unreasonable overlooking and privacy loss to users of the crèche facility in accordance with Policy H16 of the City of Durham Local Plan 2004.

21. Notwithstanding the provisions of Classes A and B of Part 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no satellite dishes or antenna shall be placed or erected on the accommodation blocks hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies E3, E6, E22 and E23 of the City of Durham Local Plan 2004.

APPENDIX B – CONDITIONS 4/10/00892 – LISTED BUILDING CONSENT

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Drawing No.s 710/22, 710/23, 710/24, 710/25, 710/26, 710/28, 710/31 and 710/32 received 2 December 2010 and 710/21 and 710/27 received 15 December 2010.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

3. Notwithstanding the information contained in the submitted application, no development shall commence until full details of the foundation design have been submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of ensuring minimal ground disturbance in this area of high archaeological importance, in accordance with Policy E24 of the City of Durham Local Plan 2004.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI), including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The aforementioned WSI cannot be agreed by the Local Planning Authority until the foundation design (condition 3) has been submitted to and agreed in writing by the Local Planning Authority. The WSI shall include details of the following:

- I. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance – this is to include small scale excavations in advance of construction at east end of accommodation block to the rear of No. 7 South Bailey and in the region of the supporting column on the SE corner of the building to the rear on No.4; as well as monitoring of all foundation trenches and service runs.
- II. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts, including methodologies for a level 2 EH-style building record survey prior to any render being removed to the rear of No. 6/7, prior to the access opening inserted onto the listed garden wall between No.'s 5 and 6; and recording works of all parts of the Castle wall which will be affected by the approved development.
- III. Post-fieldwork methodologies for assessment and analyses.

- IV. Report content and arrangements for dissemination, and publication proposals.
- V. Archive preparation and deposition with recognised repositories.
- VI. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- VII. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- VIII. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

- 5. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of each phase of development hereby approved by this permission.

Reason: In the interests of the sites archaeological importance in accordance with Policy E24 of the City of Durham Local Plan 2004.

- 6. Notwithstanding the information submitted with the application, a sample panel wall shall be erected for agreement for with the Local Planning Authority prior to development commencing and it shall include all of the following: brick type; mortar colour; bonding; jointing; window heads and cills; window sample including reveal; and, plinth course. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

- 7. Notwithstanding the information shown the submitted drawings, full details of the link building between the southern accommodation block and 6A South Bailey shall be provided to and agreed in writing with the Local Planning Authority. Such details shall be provided at scale 1:20 or larger and shall include details of the junction between existing and proposed buildings and the framing and fixing of the cor-ten steel cladding. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

8. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, ridgeline, chimneys, ventilation, parapets, dormer windows, rooflights and rainwater goods shall be submitted at a scale of 1:20 or larger and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

9. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, door and window heads and cills shall be submitted to at scale 1:20 or larger and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies E3, E6, E22, E23 and H16 of the City of Durham Local Plan 2004.

10. Notwithstanding the information shown the submitted drawings, full details at scale 1:20 or larger of the alterations to the garden wall including repairs shall be submitted to and agreed in writing with the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

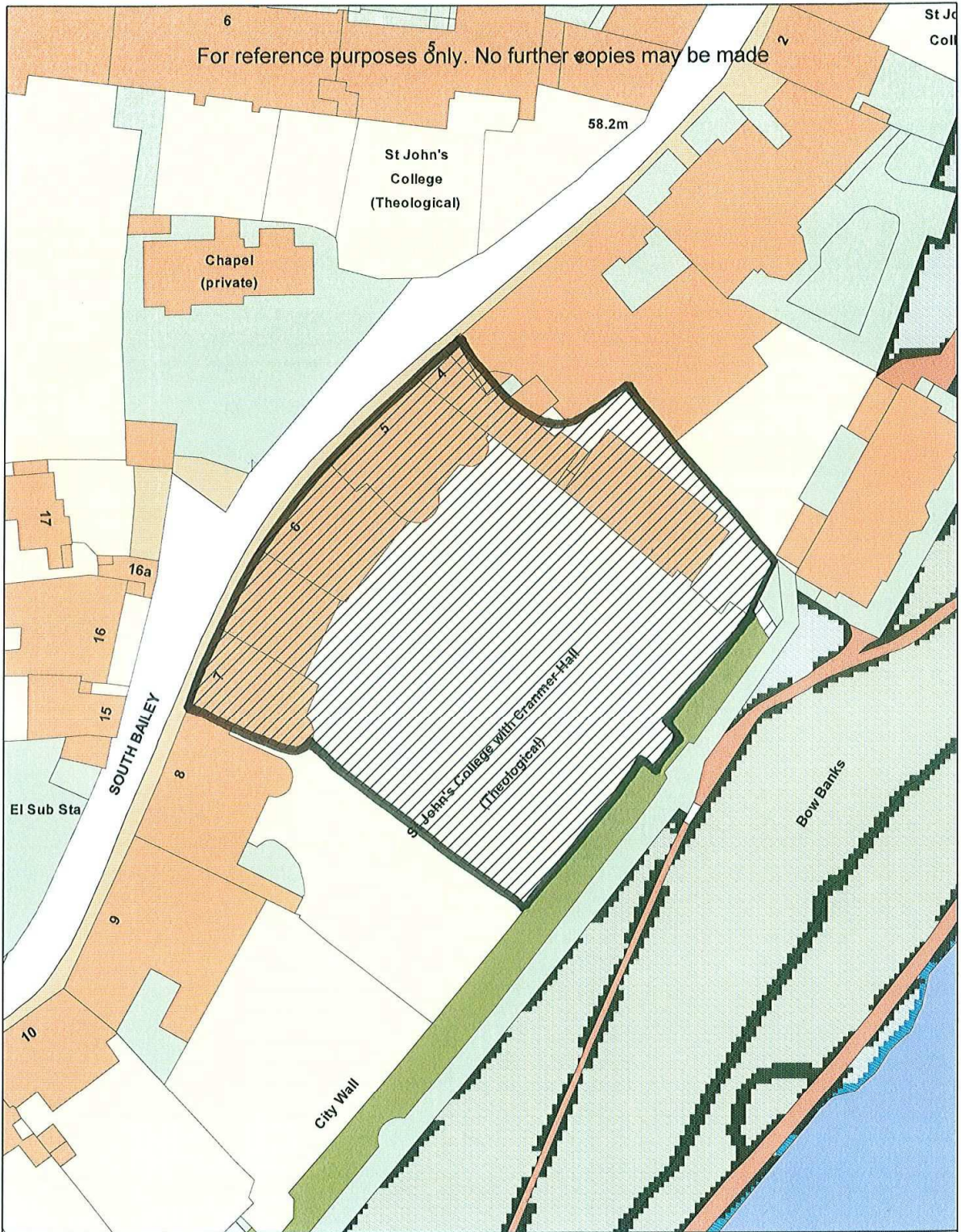
Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

11. Notwithstanding the information shown on the submitted drawings, full details of the treatment of the castle wall where it meets the northern accommodation block shall be submitted to at scale 1:20 or larger and agreed in writing by the Local Planning Authority and shall include internal and external treatments, final finishes and repairs. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.

12. Notwithstanding the information shown on the submitted drawings, full details of the external staircase alongside the northern accommodation block to include materials, railings and associated walling shall be submitted to and agreed in writing by the Local Planning Authority. Development shall proceed thereafter in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E22 and E23 of the City of Durham Local Plan 2004.



 <p>Durham County Council Planning Services</p>	4/10/00891/FPA And 4/10/00892/LB - Land to rear of 4, 5, 6 and 7 South Bailey		
	Comments		
Date	20 January 2011	Scale	1:625
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00898/FPA
FULL APPLICATION DESCRIPTION:	Erection of two storey pitched roof extension to front of existing dwelling (revised and resubmitted)
NAME OF APPLICANT:	Mr J Collinson
ADDRESS:	3 Smith Close, Sherburn Village, Durham, DH6 1RG
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Colin Harding, Planning Officer 0191 301 8712 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site relates to a compact detached property at the head of a cul-de-sac within a modern estate. The property is north facing and set slightly forward of its immediate neighbour no.2 Smith Close. Across the road is the east facing no.4 Smith Close which hosts a conservatory to its rear elevation. The property has a large front curtilage which at the time of the site visited provided parking for a caravan and a boat.
2. It is proposed to erect a two storey front extension measuring 5.5m in projection and 4.2m in width. The extension would provide a garage, downstairs toilet and hallway at ground floor level and additional bedroom space and en-suite at first floor. The front door of the property would be relocated to the side elevation of the front extension.
3. The application is being reported to committee as a result of an objection from Sherburn Parish Council.

PLANNING HISTORY

4. 4/97/00694/FPA - Erection of detached garage – Refused 03 March 1998
 5. 4/10/00227/FPA - Erection of two storey pitched roof extension to front of existing dwelling - Refused 26 May 2010
-

PLANNING POLICY

6. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

7. REGIONAL POLICY:

Policy 8 of the RSS seeks to promote a high quality of design in all developments.

8. LOCAL PLAN POLICY:

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

Policy T1 (Traffic – General) states that planning permission will not be granted for development which would be detrimental to highway safety.

Policy T10 (Parking) states that parking provided as part of a development should be limited in amount so as to promote sustainable transport choices.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (<http://www.cartoplus.co.uk/durham/index.htm>)

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

The County Highway Authority has raised no objections and advised there would be sufficient parking for 2 no. vehicles. The proposed garage would be sub-standard in length and could not accommodate a family sized car.

10. INTERNAL CONSULTEE RESPONSES:

None

11. PUBLIC RESPONSES:

Sherburn Parish Council – The Parish Council have considered this revised application and are of the opinion that there is not a great difference to the original application and that the current proposals are still too large and totally out of scale with the dwellings on this estate, especially those in the cul-de-sac.

One letter of objection has been received from the occupier of no.4 Smith Close, who whilst acknowledging that the plans have been revised, states that nothing has changed the effect this would have to the rear of no.4, as identified in the previous application.

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 http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=LCSZ0GBN02000

PLANNING CONSIDERATIONS AND ASSESSMENT

12. In accordance with Policies Q9, T1 and T10 of the City of Durham Local Plan 2004, the main planning issues are considered to be the scale and design of the proposed extension, its impact upon the residential amenity of nearby occupiers and its impact upon highway safety.

13. This application forms the resubmission of a previously refused application. The previous scheme comprised a front extension that measured 7.9m in projection and was refused as a result of its scale, design and impact upon residential amenity currently enjoyed by the occupier of no.4 Smith Close, in particular the conservatory to the rear of this dwelling. The application currently under consideration has been submitted as a result of further negotiation and discussion between officers and the applicant.

Issue of Scale and Design

14. Policy Q9 of the City of Durham Local Plan 2004 states that residential extensions should remain sympathetic and subordinate to the main dwelling in terms of scale and design.

15. The property to which this application relates is a compact detached property at the head of a cul-de-sac which benefits from a substantial curtilage to the front of the property. The applicant is seeking a means of extending the property in order to provide his family with additional living space and bedrooms. With the size of the rear garden being limited, the applicant has applied to construct a two storey front extension to the property.

16. Two storey front extensions can often be harmful to the appearance of residential dwellings as they can dominate the front elevation and appear out of scale with the host property. Indeed, the previously proposed two storey front extension, at a projection of 7.9m was considered to do precisely this and was refused planning permission as a result.

17. The revised scheme has reduced the projection of the extension to 5.5m and it is considered that although this remains a sizeable extension, it is more appropriate in scale to the host dwelling. No.3 Smith Close and benefits from the fact that it is located at the head of the cul-de-sac and as a result is not viewed "front on" and only from the side. This means that the two storey front extension would rarely, if ever viewed as such, with the side elevation of the extension effectively presenting a front elevation to the cul-de-sac as a whole.

18. The proposal also benefits from a much reduced roofline, with the ridge being set down significantly from the ridgeline of the main house. This provides the extension with a degree of sub-ordinance, reducing its overall scale and thus impact, as required by Policy Q9 of the City of Durham Local Plan 2004.

19. The comments of the Parish Council are noted and it is acknowledged that the proposal does form a large extension to a relatively compact property, however as has been outlined, the location of the property means that the accommodation of such an extension is considered to be possible, whereas it would likely be inappropriate in many other locations. It is further considered that a large range of house types and sizes exist within the larger estate within which the property sits and that this dwelling, as a result of these works would not appear unreasonably incongruous.

Impact upon Residential Amenity

20. Policy Q9 of the City of Durham Local Plan 2004 states that extensions to residential properties should respect the privacy and residential amenity of neighbouring properties.

21. It is considered that the properties that would potentially be most affected by this development are those neighbouring the site. These are identified as nos.2 and 4 Smith Close, 24 Railway Close and "Cotswold".

22. Due to the positioning of the properties, it is not considered that no.2 Smith Close would suffer an unreasonable loss of residential amenity as a result of this scheme. It is noted that the dining room and bedroom windows in the side elevation of the proposed extension would look towards the rear elevation of no.24 Railway Close at a distance of 13m, however the window proposed would be of a high level specification located at least 1.7m above floor level rendering it difficult to gain direct views across to no.24. No objections have been received from this property.

23. The impact that the extension would have upon no.4 Smith Close needs to be carefully considered as the original application was refused partially as a result of its impact upon the daylight and outlook that there would be upon the conservatory that is located on the rear elevation of no.4. With regards to this, it is now considered that as the extension has been reduced in projection by 2.4m and also incorporates a lower roofline and hipped roof design that the impact upon no.4 is much reduced. The extension has also been intentionally designed with no windows in the end elevation in order to eliminate any potential issues of privacy.

24. The occupier of no.4 has objected to the application, indicating that the revised plans have done nothing to address the concerns over light and outlook or indeed parking that were previously raised.

25. The revised design is considered to result in a form of development which would not unreasonably impact the level of outlook or light available to the occupier of no.4 Smith Close now that the extension has been reduced in height and is situated a substantial distance further from no.4 than was previously the case. Certainly, the extension would remain visible from the conservatory and garden of no.4 but the level of harm as a result is not considered to be justification for the refusal of the application. The application is considered to be in accordance with Policy Q9 of the City of Durham Local Plan 2004.

Impact upon Highway Safety

26. The application site currently benefits from a large front curtilage, indeed this is why the applicant wishes to extend the property in this direction. Currently the applicant stores a boat and caravan at the property as well as his vehicle. The garage element of this proposal, at 4m in depth would be unsuitable for the storage of a family car but would be suitable for

the storage of the applicant's boat. Sufficient driveway would remain for the storage of 2 no. cars and the caravan would be stored offsite. The comments of the occupier of no.4 Smith Close with regards to parking issues are noted, however there is no indication that the parking arrangements within Smith Close would become unsafe as a result of this application. The County Highway Authority raises no concerns with regards to this issue. It is considered appropriate however to attach a condition preventing the conversion of the garage to residential accommodation in order to ensure that the garage remains available for storage purposes. The application is thus considered to be in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

CONCLUSION

27. It is considered that this proposal represents a form of extension that is both sympathetic and subordinate to the main dwelling and would not result in the loss of an unreasonable level of residential amenity in accordance with Policy Q9 of the City of Durham Local Plan 2004, nor have an unsatisfactory impact upon highway safety in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans labelled "Plans and Elevations as proposed" received 30th November 2010.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy Q9 of the City of Durham Local Plan 2004.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with Policy Q9 of the City of Durham Local Plan 2004.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order the garages hereby approved shall be used for storage only and shall not be converted into habitable accommodation.

Reason: In order to ensure that sufficient parking provision remains available at the site in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The proposed two storey front extension is considered acceptable having regard to Policies Q9, T1 and T10 of the City of Durham Local Plan 2004.
2. In particular the development was considered acceptable having regard to consideration of issues of scale, design, impact upon residential amenity and highway safety.
3. The stated grounds of objection concerning the scale and design of the extension as well as its impact upon residential amenity and highway safety are acknowledged and have been considered, however the extension is considered to be acceptable in these regards.

BACKGROUND PAPERS

Submitted Application Forms and Plans
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1, PPS5
Responses from County Highways
Public Consultation Responses





 <p>Durham County Council Planning Services</p> <p><small>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council (Durham City Area Office) Licence No. 100022202 2005.</small></p>	4/10/00898/FPA - 3 Smith Close, Sherburn		
	Comments		
	Date	20 January 2011	Scale

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Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. APPEALS RECEIVED:****Appeals by Mr D Middlemiss****Site at Seaton Nurseries, Seaton Lane, Seaham, Co. Durham, SR7 0LT****Planning Reference- PL/5/2010/0306**

An appeal has been lodged against the Council's refusal of Outline planning permission for residential dwellings with all matters reserved at the above site.

Planning permission was refused as it was considered that the proposal would result in residential development outside the established settlement boundaries as identified in the District of Easington Local Plan and has limited access to community facilities, shops and public transport.

The appeal is to be dealt with by means of written representations, and members will be informed of the outcome in due course.

Recommendation:

That the report be noted.

Appeals by Mr J Oliver**Site at Hastings House Farm, Littletown, Durham, DH6 1QB****Planning Reference- PL/5/2010/0442**

An appeal has been lodged against the Council for the non-determination of an application for the change of use from office accommodation and canteen building to include agricultural worker's accommodation and associated alterations to elevations at the above site.

The appeal is to be dealt with by means of written representations, and members will be informed of the outcome in due course.

Recommendation:

That the report be noted.

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