



Area Planning Committee (Central and East Durham)

Date Tuesday 8 March 2011
Time 1.00 pm
Venue Council Chamber - Easington Locality Office, Seaside Lane, Easington

Business

Part A

1. Minutes of the Last Meeting held on 22 February 2011. (Pages 1 - 10)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central & East Durham).
 - a) PL/5/2011/0034 - Site of Former Aged Miners Hostel, Salters Lane, Shotton Colliery, DN6 2JQ. (Pages 11 - 20)
8 No. Dwellings (Resubmission).
 - b) 4/10/948/VOC - The Former Newton Hall, Carr House Drive, Newton Hall, Durham, DH1 5LT. (Pages 21 - 30)
Material amendments (variation of conditions 2, 4, 5, 13 and 14) to planning permission 09/00568 (erection of 56 bed care home) to enable increase to 58 bedrooms including removal of internal staircase, erection of entrance canopy, insertion of rooflights and additional and enlarged openings.
 - c) 4/10/955/FPA - Durham Crematorium, South Road, Durham, DH1 3TQ. (Pages 31 - 40)
Erection of single storey extension to Durham Crematorium to accommodate replacement cremators, associated plant, boiler room and garden store, new electricity substation, and revised parking arrangements.
4. Appeal Update. (Pages 41 - 42)
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

28 February 2011

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

Councillor C Walker (Chair)
Councillor M Plews (Vice-Chair)

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 22 February 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors M Plews (Vice-Chairman), J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, S Iveson, J Moran and K Thompson

Apologies:

There were no apologies for absence.

Also Present:

Councillor Dennis J Southwell and Councillor Les Thomson

A Dobie (Principal Planning Officer - Easington Area Office), P Holding (Principal Solicitor), A Simpson (Development Control Manager - Durham Area Office), D Walker (Committee Services Officer) and B McVicker (Highways Officer)

1 Minutes of the Last Meeting held on 1 February 2011.

The Minutes of the meeting held on 1 February 2011 were confirmed as a correct record by the committee and signed by the Chair.

Councillor Bailey noted that he had spoken at length at the last meeting on the matter of retrospective applications and planning enforcement and requested that, where Members made particular points, their names should be recorded.

2 Declarations of Interest (if any).

There were no declarations of interest.

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

**3a 4/10/893/FPA - Former Durham Gilesgate Primary School, Kepier Crescent, Gilesgate Moor, Durham, DH1 1PH.
Erection of 20 dwellings comprising 11 no. affordable dwellings and 9 no. young parent apartments (including 1 no. wheelchair accessible unit) together with young parent communal facility, all with associated landscaping, parking and revised access arrangements.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval subject to conditions.

Members had visited the site that day and also viewed a similar scheme in Bishop Auckland.

The Development Control Manager gave a detailed presentation on the main issues outlined in the report. He also requested that, should Members be minded to approve the application, delegated authority be given to allow alteration of a number of conditions in relation to timescales.

Councillor Thomson addressed the Committee as the Divisional Member. He explained that, while appreciating the need for such a development, the Committee should be aware of the great local opposition to this proposal. He advised that local feelings were running high, and were such that it was possible that residents of the proposed accommodation could be ostracised; this would be most regrettable.

He went on to note the location of the site in relation to the nearby bungalows and school, and requested the Committee give very careful consideration to the suitability of the site.

Belmont Parish Council was represented by Councillor Barbara Howarth. In addressing the Committee, she noted that their main objection was summarised in the Officer's report, but explained that she wished to draw the Committee's attention to a number of aspects.

The Parish Council felt that there had been inadequacies in the pre-application consultation. PPS1 stated that it was essential that community consultation took place in order to create sustainable communities. In this case, the Parish Council had only become aware of the proposal was when told about it by local residents.

Councillor Howarth also explained that the Parish Council had concerns about the density of the development. The site was half a hectare and it was proposed to build 20 dwellings; guidance recommended 30-40 dwellings per hectare so the proposed development was at the top end of the scale. In addition, the separation distances were very tight, particularly in relation to the bungalows in Whitwell Court.

The drainage was a further area of concern. Northumbrian Water had suggested the usual condition in relation to surface water, however no mention had been made of how foul water was to be dealt with.

The Parish Council had initially also been concerned about the number of trees to be removed, however the modifications to the plans which now retained a number of trees and was a welcome improvement.

Councillor Howarth noted that the Officer's report indicated that there was no requirement for an Environmental Impact Assessment, however a number of environmental issues and mitigation were the subject of conditions. The Parish Council considered that these issues had should have been investigated prior to the application being brought to Committee, rather than dealt with by condition afterwards.

The lack of play areas on the site was also an issue. It was suggested in the report that this could be compensated for by way of a s106 agreement, however other play areas in the locality were some distance away from the site, and would be of limited benefit to residents of the proposed accommodation.

The Committee's attention was also drawn to the shared access to the site. The report referred to modest traffic being generated by the adjacent school, but what had to be remembered was that two schools had amalgamated into one building and there was still a substantial amount of traffic. The Highways Department had stated that the access was adequate, however it had to serve cars, bikes and service vehicles and in close proximity to a school.

In concluding, Councillor Howarth explained that the Parish Council agreed that provision should be made for young parents, but felt that this site was unsuitable for the reasons given. It was therefore requested that the application be refused.

Alan Milligan then addressed the Committee, indicating that he was speaking on behalf of 484 people living in the area around this site who objected to this application.

It was felt that the density of development was too high. The proposal was for 44 dwellings per hectare against a national average of 25. In addition the distance between the proposed houses and the existing properties in Aspen Close was less than the required limit, which Mr Milligan contended was illegal and would prevent permission being granted for properties in Aspen Close to be extended. The shortfall was half a metre, but this was a very important half a metre for these reasons.

Residents also felt that the traffic density was too high and this would affect pedestrian safety, particularly at school times. This issue was compounded by the five point junction outside the school.

Turning to the risk of increased crime and anti-social behaviour, Mr Milligan stated the Officer's report dismissed residents' fears as unfounded; this, he felt, was an insult to residents.

Twelve households near a similar facility in Coney Avenue, Bishop Auckland had been contacted and 11 had stated that there were regular problems. These statements were borne out by Police statistic which showed the number of incidents attended in Coney Avenue was almost twice that of Gilesgate. This, in conjunction with the proposed security measures gave rise to residents' serious concerns about crime and antisocial behaviour.

Mr Milligan went on to explain to the Committee that there had been no communication with the local community, including the Parish Council, until some 6 weeks before the application had been submitted. He felt that the Applicants had a duty to consult with local residents, however their efforts had been a four hour period on one day when residents were invited to talk to the Applicant's representatives. Several residents had claimed never to have received invitations to this event, which raised concern over the Applicant's approach to consultation.

In addition, it was claimed that the application had been advertised by way of site notices; several people who lived in the area stated that they had never seen any such notices.

Residents were also aware that the Committee had visited the Coney Avenue development and contended that, in order to ensure a fair and balanced view was obtained, should have consulted with neighbouring residents. This would ensure the impartiality of the Planning Committee.

In concluding, Mr Milligan submitted that these issues constituted a serious failure in the planning process and asked that the application be refused.

Having heard from the Parish Council and objectors' spokesperson, the Chair asked the Development Control Manager to respond to the issues raised.

The Development Control Manager explained that in relation to the comments made about pre-application consultation, it was important to note that there was no actual statutory requirement for the Applicants to undertake any pre-application consultation. The County Council consulted with relevant parties as part of the application process and the Parish Council was informed of this application through that method. He also confirmed that site notices had been posted.

The lack of an Environmental Impact Assessment had also been raised. Specific regulations governed the situations where an EIA was required, and this application did not meet those criteria. A number of reports relating to environmental matters had been submitted and considered, and were reflected in the Officer's recommendations.

In terms of density, while at the upper end of those stated in PPS3, they were within guidelines and consistent with policy.

The Development Control Manager also acknowledged that the Committee had visited the development at Coney Avenue, however considered that consulting with residents at that location could, in effect, be seen as canvassing for objections. This was not appropriate.

Martin Hawthorne, the Director of Regeneration for Tees Valley Housing Ltd, then addressed the Committee in support of the application.

He explained that the proposed scheme was to provide 20 dwellings; 11 affordable homes for families and 9 flats for young parents.

The affordable homes would either be offered for sale or for rent, however, he acknowledged that it was the provision of the flats for young parents that appeared to be the main cause of residents' concerns.

The purpose of the proposed accommodation for young parents was to build life skills and allow the young people to become confident citizens. Assistance would be provided with, for example, budgeting, shopping and cooking, and support would continue to be provided when the young parents had moved on.

He advised the Committee that TVHL had three existing schemes which were similar to this proposal and all worked very well.

In terms of the objections to the scheme, it was important to note that reports of crime had fallen in the area around the Bishop Auckland scheme; TVHL had agreed to provide 24hour staff cover for an initial period to reassure residents and avoid problems; the proposed layout of the site had been amended to reflect comments made during the consultation and to allow more trees to be retained. Discussion had also taken place with the headteacher of the adjacent school regarding the application, and TVHL had agreed that a school governor should sit on the panel which determined which young parents would be allocated accommodation in the flats.

This scheme was a significant investment, costing around £2.7m. It was supported by the planning officers and Social Services and he asked that the application be approved.

Councillor Southwell addressed the Committee as Divisional Member. He noted that the Committee had been able to see the level of concern local residents had surrounding this proposal.

He explained that he was a Governor at the school and that the school's primary concern was for the safety of the pupils. The Applicants had done everything the school had asked and the headteacher and governors were comfortable with the proposal. In terms of consultation, 178 letters had been sent by the school to parents and carers of children to invite them to a meeting to discuss the proposal and only 9 had attended. It had also been the suggestion of a governor that a representative sat on the allocation panel, and again, the Applicants had agreed to this.

The overall cost of the development was £2.7m and although a grant covered £1.2m of this, the Applicants were investing £1.5m into the scheme and the area.

In concluding, Councillor Southwell asked that the Committee take a balanced view of the application.

In considering the application, Councillor Plews noted that a full and comprehensive report had been provided by the objectors to the proposal, which made reference to crime and anti-social behaviour, however, no evidence had been included to support this aspect. The Development Control Manager responded that although statistics had been provided by the objectors, it was not considered that these specific figures were directly relevant to the consideration of the application. Councillor Bailey suggested that it was important that Members should be aware of this evidence prior to making a decision. In responding, the Development Control Manager advised that for the year 2007/2008 there had been 1777 reported incidents in the Woodhouse Close area of Bishop Auckland, whereas in the year 2009/2010 this had fallen to 1457. Members were asked to note that these figures were in respect of the whole of the Woodhouse Close beat area, and not restricted to the Coney Avenue scheme. Councillor Bell commented that it must be

remembered that this information related to Bishop Auckland and that Gilesgate was a different area, while Councillor Charlton indicated that she had spoken to the Councillor for the Woodhouse Close area and been advised that she had received no complaints of issues as a result of the Coney Avenue scheme.

The matter of drainage and flooding had been mentioned by the Parish Council representative, and Councillor Thompson sought clarification this aspect. The Development Control Manager advised that Northumbrian Water had been consulted as part of the process and had recommended a condition requiring a scheme for the disposal of surface water. Northumbrian Water felt there was sufficient capacity in the area for disposal of foul water and had not made any recommendation in this regard.

Discussion took place on the issue of the separation distances and in particular where this was 0.5m short of the recommended 21m in respect of a property in Aspen Close, with Councillor Blakey suggesting that in this case a high level window be used in the proposed property to reduce the impact. The Development Control Manager commented that it was correct that the distance between one existing property and one of the affordable homes was slightly less than the recommended 21m, however officers did not consider that this would result in a significant loss of amenity or overlooking. In terms of using a high level window, he considered that this could unbalance the elevation and would result in a very odd appearance to the dwelling.

Councillor Bell commented that he was pleased to see the school were comfortable with the application, but queried whether traffic calming measures were to be installed in the adjacent roadway. In reply the Highways Officer confirmed that this road was to be improved to adoptable standards. It would be widened to 4.8m, rumble strips installed, the footpath widened and enhanced street lighting provided.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report except that delegated powers be granted to the Development Control Manager to amend conditions 3, 4 and 5 in respect of timescales.

**3b PL/5/2010/0584 - Moor View, Station Road, Murton, SR7 9RN.
Demolition and Reconstruction of Dwelling.**

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.

4 Appeal Update.

(a) Appeals Received

The Development Control Manager (Durham City Area Office) and the Principal Planning Officer (Easington Area Office) gave details in relation to the following appeals which had been lodged with the Planning Inspectorate.

(i) Appeal by Mr S A Baz Site at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF

An appeal had been lodged by Mr S A Baz 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. This was originally reported to Committee on 11 January 2011.

The appeal was now to be dealt with by way of an informal hearing as decided by the Planning Inspectorate and the Committee would be advised of the outcome in due course.

(ii) Appeal by Mr Rathbone Site at Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX

An appeal had been lodged by Mr Rathbone against the Council's refusal to grant planning permission for the erection of a conservatory to rear at 4 Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX.

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

(iii) Appeal by Mrs P Emanuel Site at Poultry Farm, Off Dene Road, Dalton-le-Dale, Seaham, SR7 8QW Planning Reference – PL/5/2010/0408

An appeal had been lodged against the Council's refusal of the variation of a previous approval for the retention and use of a static caravan at the above site for security purposes.

Planning permission was refused due to the size and appearance of the caravan, and its location outside of the settlement boundary; and the proposal constituted an inappropriate form of development in the countryside for which no satisfactory justification had been provided with the application.

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

**(iv) Appeal by Mr J Oliver
Site at Hastings House Farm, Littletown, Durham, DH6 1QB
Planning Reference – PL/5/2010/0442**

An appeal had 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 was previously reported to members on 1 February 2011 as being dealt with via written representations. It had been changed and was now to be dealt with by means of a Hearing; members would be informed of the outcome in due course.

(b) Appeal Decisions

The Development Control Manager (Durham City Area Office) gave details in relation to the following appeal, which had been considered by the Planning Inspectorate.

**(i) Appeal by Mr P Johnson
Site at 15 Brockwell Court, Brandon, Durham DH7 8QX**

An appeal was lodged by Mr Johnson against the Council's decision to refuse planning permission for the erection of decking to the rear of the dwelling.

The Inspector dismissed the appeal, and in reaching his decision considered the main issue to be the effect of the development on the living conditions of occupiers of adjoining dwellings in terms of any overlooking.

The timber decking had been erected in the rear garden of 15 Brockwell Court, a mid terraced property, part of high density housing built on sloping ground. The decking had been built into the slope, on the boundary with no. 14 and stood well above the ground floor level of the houses.

The Inspector considered the scale and elevated position of the decking affords views of the gardens and main habitable rooms on the back of the adjoining houses. In the case of no. 16 the intervening path reduced the degree of direct overlooking. However, with regard to no. 14 the Inspector considered the intensity of the overlooking to be oppressive, leaving little by way of private space. This, he did not consider, was ameliorated by the low screening that was incorporated into the decking.

As a result, the Inspector considered the enjoyment the occupiers might reasonably expect from these parts of their dwelling had been diminished. Accordingly, the development had brought about a harmful change in the living conditions of the occupiers of this dwelling, contrary to Policy Q9 of the City of Durham Local Plan 2004.

He also took into account the views of interested parties in reaching his decision, including the appellant's arguments, the fact the neighbour who complained had since moved and a similar development nearby, but these considerations did not persuade him to allow a development that he considered harmful to the living conditions of the occupiers of an adjoining dwelling.

Resolved: That the report be noted.

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

| | |
|-------------------------------------|---|
| APPLICATION NO: | PL/5/2011/0034 |
| FULL APPLICATION DESCRIPTION | 8 NO. DWELLINGS (RESUBMISSION) |
| NAME OF APPLICANT | MR M CONVERY |
| SITE ADDRESS | SITE OF FORMER AGED MINERS HOSTEL SALTERS LANE, SHOTTON COLLIERY DN6 2JQ |
| ELECTORAL DIVISION | SHOTTON |
| CASE OFFICER | Grant Folley 0191 5274322 grant.folley@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site consists of the site of the former Aged Miners Hostel and associated grounds. The total site area is 0.25 hectares. The Former Miners Hostel was on the site as recently as 2006 when the dilapidated building was demolished. The site had originally been surrounded by post-war pre-fabricated dwellings, however these have all since been demolished. The site is now largely devoid of any buildings, other than a small roofless shed-like structure and an occupied static caravan, and is now grassed over although some remains of the former Aged Miners Hostel buildings foundations are still visible.
- 2 The application site is bounded to the west by the B1280 Salter's Lane across which lie agricultural fields, to the north is an area of tree planting beyond which lies North Moor Farm and Moorside Farm, to the east is a further area of tree planting beyond which agricultural fields are found, and to the south the site abuts a former Council depot which is now used as a builders yard with associated residential accommodation.
- 3 The application site is situated approximately 130 metres to the north of Shotton Village as outlined on the District of Easington Council's Local Plan Proposals Map. Due to the location of the site away from the established settlement boundaries, the proposed development is considered to represent a departure from the relevant Local Plan.

Proposal:

- 4 Planning permission is sought for the erection of 8 no. dwellings on the site. The proposed layout is to incorporate a linear development, which will be serviced through a single archway leading into a service courtyard to the rear of the properties. Each proposed dwelling is to have a private vehicular hard-standing accessed from the rear courtyard as well as a private rear garden and space provided for bin storage.
- 5 The dwellings are to be constructed from facing brick, broken up with rendered elements. The window and door openings will have a mixture of brick soldier course heads and traditional cast stone heads and cills. The roofline will be reconstituted slate, grey in colour. The roofline will vary to each of the dwellings to help reduce the apparent bulk of the proposed building. The dwellings have been designed to appear as a traditional farm steading.
- 6 This application is being presented to Committee at the request of Councillor Robin Todd, Shotton Electoral Division Member.

PLANNING HISTORY

PL/5/2010/0312 – 8 no. Dwellings – Withdrawn
99/530 – Caravan - Approved

PLANNING POLICY

7 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 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.

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>

8 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. 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 redevelopment 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.

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.

In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

9 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 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.

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 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

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

10 STATUTORY RESPONSES:

Northumbrian Water Ltd – No objections.

Shotton Parish Council – No comments received.

11 INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer - The site of the proposed development is located off the B1280 Salters Lane road. The site is approximately 130 metres north west of the Shotton Colliery settlement boundary and is therefore contrary to Policy 1 of the local plan. Though the site is classed as PDL (previously developed land), land which is a priority for future development, national planning guidance now places an onus on securing development which is sustainable in line with efforts to address climate change. National policy guidance note PPS3, paragraph 36 highlights the importance of providing housing in suitable locations in terms of access to a good range of local services and facilities. The location of this proposal is not viewed to be sustainable in this regard. Further it is apparent when looking at this part of the Shotton settlement that ribbon development is occurring along Salters Lane, this is a highly unsustainable form of development which the policy unit would not wish a precedent set for. Consequently, for this application to be considered favourably there will need to be other material considerations which override the normal presumption against development outside of the settlement envelope.

Highways Authority – Following the submission of amended plans through the application process, no objections raised to the proposed development.

Environmental Health – The application should be supported through the submission of a Land Contamination Report.

Tree Officer – Council owned trees are sited adjacent to the northern and western boundaries of the site; the impact of development on these trees has not been considered. An Arboricultural Implications Assessment and Tree Constraints Plan should have been submitted in support of the application.

12 PUBLIC RESPONSES:

The application has been advertised in the local press and through the erection of a site notice. Neighbour consultation letters have also been sent. One letter of representation has been received in support of the application. It is considered that the proposed development will enhance the area and will remove the existing eyesore.

13 COUNCILLOR RESPONSES:

Although no formal comments have been received in relation to the current re-submitted application, Shotton Electoral Division Members Robin Todd and Eunice Huntington have offered support to the previously withdrawn planning application, which proposed the redevelopment of the site. The previously withdrawn application and current proposal relate to the same development of 8 no. houses.

14 APPLICANTS STATEMENT:

We were aware, when we started this process in 2007, as was the former planning authority, that this site was marginally outside the line drawn by planners as the village boundary. In former years the actual boundary to the village in terms of settlement had extended much beyond this artificial line, accommodating former terraced housing, and prefabricated units. Such past housing on this site was demolished and cleared under slum clearance programmes, subsequent to the village of Shotton being listed as category "D"

The site is, therefore, previously developed land and a priority for redevelopment. A walkover of the site shows previous house foundations following slum clearance. The area is currently an eyesore, at the entrance to Shotton, which badly needs an injection of new housing.

At the time we secured the demolition of what was considered to be a dangerous building it was accepted by the relevant officers we were working with at the time that in planning terms "***the justification for acceptance of new housing on this area would be based on resolving a problem site***" following securing the removal of the derelict building. Since day one we have pursued this application on that understanding and we have never, until late 2010, been advised to the contrary, that the scheme would not receive support.

Never at any time during dealing with the layout of the scheme or in past considerations has it been put to us that the application would be refused purely on policy grounds. Previously issues of extent of development, suitable scheme, aesthetic relevancies have been raised and dealt with but never the policy issues being of paramount consideration.

This scheme will bring about a change to the gateway to Shotton and signify there is interest in making better of what exists at present.

The benefits to Shotton will be 8 new houses in an area starved of new property development, improving the visual gateway to the village, removing a longstanding area of dereliction, as well as making available to the local community new low cost housing to retain local people in a village they want to remain in. Which in turn will give local people an opportunity to invest in their local community supporting local services and local labour involved in the building process.

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=112398> 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 issues to consider in assessing this proposal are:

- National Planning Policy
- District of Easington Local Plan Policy
- Regional Spatial Strategy
- Responses to the Applicants submission

15 National Planning Policy

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning Authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. Special justification could, for example, relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. One of the main aims of PPS7 is to promote sustainable patterns of development within rural areas. The document identifies the need to strictly control new house building in the countryside, away from established settlements. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.

Planning Policy Statement Note 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement Note 3: Housing. PPS3 also requires Local Planning Authorities to have an up to date five-year supply of deliverable sites. It has been found that the Council does indeed have this 5-year supply. Any residential development could therefore not be justified on this site through a lack of housing land supply.

16 District of Easington Local Plan

Under the terms of the time expired Local Plan, the former District Council considered that housing development should normally only be approved on sites within the towns and villages of the District. There were a number of reasons for this: firstly, new development within the settlements would help to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities. Redevelopment of "Brownfield" sites within settlement boundaries should take priority over sites that are outside the village boundary such as the current proposal. Indeed, development of sites outside of the settlement boundary could undermine the regeneration of the villages, as such developments could lead to sprawl and the inappropriate extension of the urban form.

Although the Local Plan is time expired, certain policies of the Local Plan have been saved by the Secretary of State and therefore remain valid. The proposal must be assessed against these saved local plan policies.

Saved Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. The application site is situated outside the village of Shotton and is considered to be contrary to saved policy 67 of the Local Plan.

Saved Local Plan Policy 3 severely restricts development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved. It is therefore considered that the proposal is contrary to the relevant development plan policies.

17 Regional Spatial Strategy

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 land for development; indeed the applicant has referred to it in his supporting statement. 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.

The Council can clearly demonstrate an adequate supply of sustainable sites for development within the urban area and as such, consideration of new sites in the countryside is not required. The site would therefore fail the sequential approach for development, were it to be applied to this application.

Notwithstanding the Government's intention to abolish Regional Spatial Strategies, as identified in the Planning Policy section above, the sequential approach to development in the Regional Spatial Strategy for the North East echoes that of PPS3. In these circumstances, it is considered that the recommendation and decision on this application would not be affected by the current uncertainty over the RSS.

18 Responses to the Applicant's submission

The arguments put forward by the applicant in support of this proposal are not considered sufficient to outweigh the policy objections outlined previously.

The applicant has referred to previous discussions with Council Officers in relation to the potential development of the site. It is argued that agreement was reached with Council Officers in relation to the acceptance of new housing on the site on the basis of removing a dangerous unsightly building. There is no record of such an agreement, and whilst the resulting improvements to the site may have been suggested as a potential argument to help support the proposal, any pre-application advice is given on an informal basis and without prejudice to any future decision made by Officers or Members of the Authority. The fact that the site was unsightly, and that the former Aged Miners Hostel had fallen into such a state of disrepair as to represent a danger to the public would not have been considered a sufficient reason to justify a departure from the relevant local plan policies.

Although the majority of the former buildings from the site have since been removed, it is accepted that the site is still unsightly; however, such a reason in itself would also not be considered sufficient to warrant a departure from the Local Plan. If the site is considered to represent an eyesore to the detriment of the amenity of the area the Council have separate powers to resolve such an issue, without allowing the substantial residential development as currently proposed.

The applicant has also argued that the application should be approved due to housing need. This issue has been discussed previously in the report; the Council can clearly demonstrate a 5-year Housing Land Supply, and development could not be justified based upon a lack of housing land supply.

With regard to the letter of representation received by the Local Planning Authority, and Councilor interest in the scheme, it is clear that there is public support for the proposed development. However, public support for the proposal does not change the policy objection to the proposed housing development.

All other issues raised by the applicant have been discussed in the report, or are not considered sufficient to warrant a departure from the relevant development plan policies.

19 Other Considerations

The Highways Authority has been consulted in relation to this application; no highway objections are raised to the proposal.

Environmental Health Officers, have suggested that contaminated land and hours of construction should be a condition of any grant of planning permission if the application is approved.

The Tree Officer has raised concerns regarding the impact the development may have on trees sited on adjacent land. Although such concerns are not considered sufficient to warrant refusal of the application, suitable conditions would need to be attached to any grant of planning permission to ensure the adjacent trees are suitably protected during construction.

CONCLUSION

- 20 The proposed development of residential properties on the application site clearly contravenes relevant national, regional and local policies and in principle planning permission should be refused.
- 21 The applicant has submitted information in support of the proposals but this does not outweigh the fundamental objection to the development of an inappropriate site.
- 22 The Council's policy is to prioritise the development of previously developed land within existing settlements for residential development. The current proposal relates to an application outside the established settlement boundaries and therefore should not be supported.

RECOMMENDATION

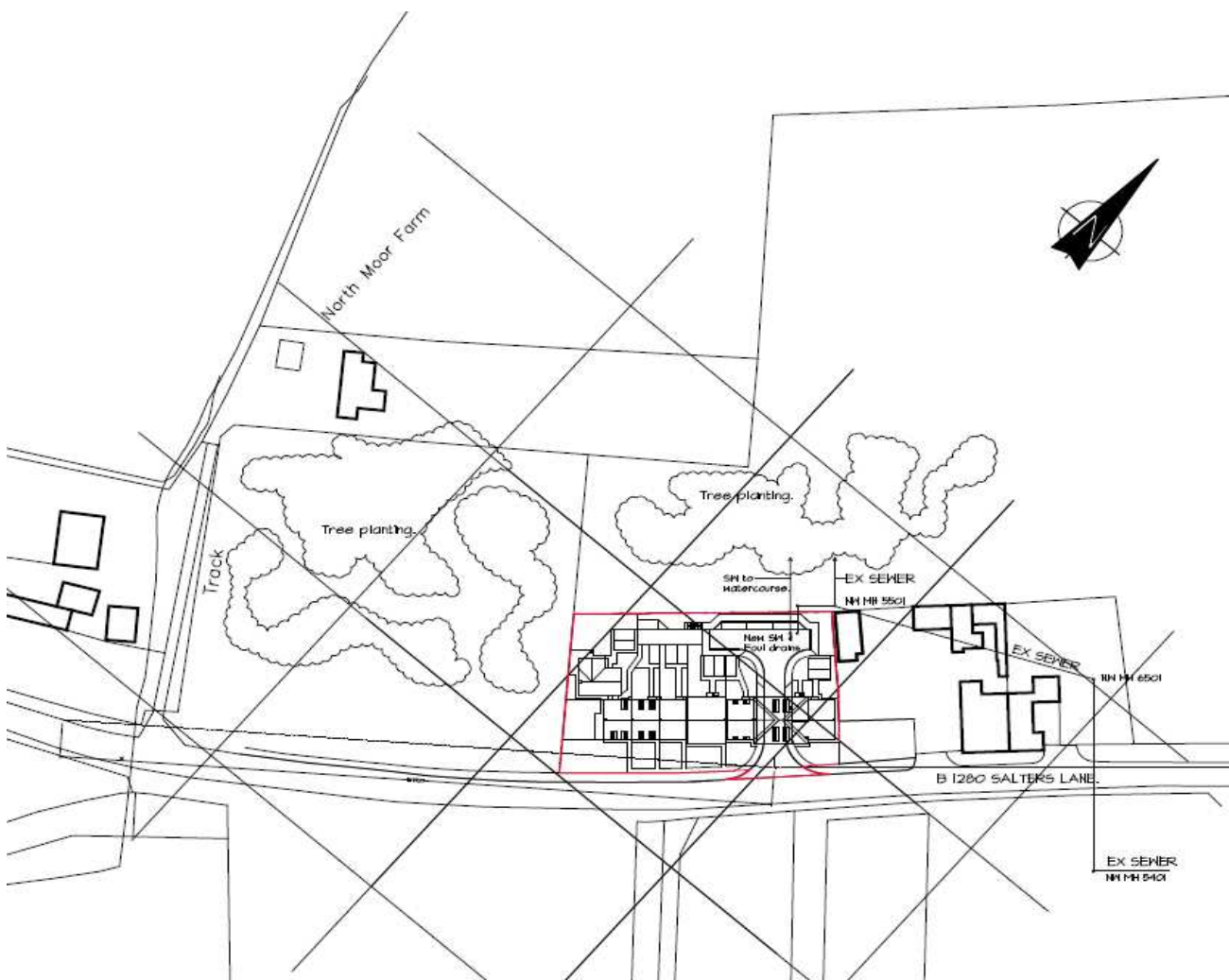
23 That the application be **REFUSED** for the following reason;

Reasons:

1. The proposal represents the development of a site outside the established settlement boundaries as identified in the District of Easington Local Plan. The proposal is therefore considered to be contrary to national planning guidance contained within Planning Policy Statements 3: Housing and 7: Sustainable Development in Rural Areas, and saved policies 1, 3, and 67 of the District of Easington Local Plan.

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



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00948/VOC

FULL APPLICATION DESCRIPTION: Material amendments (variation of conditions 2, 4, 5, 13 and 14) to planning permission 09/00568 (erection of 56 bed care home) to enable increase to 58 bedrooms including removal of internal staircase, erection of entrance canopy, insertion of rooflights and additional and enlarged openings

NAME OF APPLICANT: Gainford Care Homes Ltd

SITE ADDRESS: The Former Newton Hall, Carr House Drive, Newton Hall, Durham, DH1 5LT

ELECTORAL DIVISION: Newton Hall

CASE OFFICER: Hilary Sperring, Planning Officer
(0191) 301 8742
Hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site, is approximately 0.28 hectares in size, fronting Carr House Drive, Newton Hall, Durham. In 2009 conditional planning permission was granted for the erection of a 56 bed care home in the form of a three and two storey building fronting Carr House Drive, in the main arranged around an 'I' shape. In addition to the proposed en-suite rooms the building accommodates dayrooms, dining areas, treatment and staff rooms and other ancillary accommodation associated with the proposed use of the building. In 2010 works began in association with this approval and construction of the building is well underway with the roof currently being added at the time of report preparation.

2. The site lies within the settlement boundary of Durham City as defined by the City of Durham Local Plan 2004 and also within the Local Centre of Newton Hall. To the north of the site lie the two storey residential dwelling houses within Bamburgh Road. To the west lie the garage blocks which are separated from the ground floor units of the Alnwick Road shopping parade and residential flats above by an access road, and to the east lies the All Saints Church. A telecommunications mast and associated enclosure adjoins the north west corner of the proposed site which is in the process of being relocated.

3. The current proposals seek planning permission for material amendments (variation of conditions 2, 4, 5, 13 and 14) to planning permission 09/00568 (erection of 56 bed care home) to enable an increase to 58 bedrooms. The size, scale and massing of the building remains unaltered from that previously approved. The proposals seek modifications and alterations to the width and position of some windows and doors on each elevation, in connection with the internal layout, in part, being reconfigured allowing the reordering of some rooms on all levels and an extended foyer area at ground floor. A main component of the application also includes the use of space within the roof for additional accommodation in association with the Nursing Home. The external alterations including the installation of four roof lights to both the east and west elevations. The additional space will provide staff accommodation, male and female staff WC and storage area. The proposals will result in 12 bedrooms at second floor level, instead of the previously approved 10 on this level, bringing the overall total of bedrooms within the Nursing Home to 58.

4. A new canopy is proposed over the entrance on the western elevation and a change of materials proposed to the roof of the central entrance on the southern elevation. Sidelights are also introduced to each of the proposed dormer windows.

PLANNING HISTORY

5. 4/01/00352/PN In 2001 Prior notification for the siting and appearance of 3 no antennas and 2 no dishes on existing 15 metre high telecommunications monopole, replacement equipment cabin and electrical meter cabinet

6. 4/06/00992/FPA In October 2006 conditional planning permission was granted for the erection of 2 no. enclosed decks and aviary to first floor flat roof of existing building (retrospective application) at the Newton Hall PH.

7. 4/06/01121/FPA In January 2007 conditional planning permission was granted for the formation of external decking area and fenced enclosure to public house frontage.

8. 4/07/00849/FPA In September 2007 conditional planning permission was granted for the erection of enclosed timber deck with 2 no. fixed awnings to side of existing public house.

9. In 2009 the Public House was demolished, this did not require any form of planning permission.

10. 4/09/00568/FPA In October 2009 conditional planning permission was granted for the demolition of existing public house, and erection of 56 bedroomed nursing home, with associated parking, servicing and amenity space.

11. 4/10/00100/DRC Approved discharge of planning conditions 2, 3, 4, 5, 6, 7, 8, 9, 11 and 15 pursuant to 4/09/00568/FPA

PLANNING POLICY

12. 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.

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

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>

13. 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.

In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

Of particular relevance to this application are the following policies:

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/nestore/docs/planning/rss/rss.pdf>

14. LOCAL PLAN POLICY:

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

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

Policy H16 (Residential institutions and Student Halls of Residence) provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

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

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

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

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

Policy 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

15. STATUTORY RESPONSES:

The Highway Authority is content with the increase in rooms without an alteration to the car park layout.

16. INTERNAL CONSULTEE RESPONSES:

The Sustainability Section propose that the now standard condition is imposed as a condition of this variation application.

17. PUBLIC RESPONSES:

One representation has been received from an occupier of the flats in Carr House Drive raising no objection to the plans.

18. APPLICANTS STATEMENT:

Despite repeated requests the agent has not provided a statement.

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=10/00948/VOC>.

PLANNING CONSIDERATIONS AND ASSESSMENT

19. The main issues in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the local plan are the impacts of the proposals upon the character or appearance of the surrounding area, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and impact upon traffic and highway safety.

Principle of Development

20. The principle of the construction of a Nursing Home on this site has already been established by the approval of planning permission (4/09/00568) and the building works are underway. The current proposals seek material amendments to vary conditions 2, 4, 5, 13 and 14) of planning permission 09/00568 (erection of 56 bed care home) to enable an increase to 58 bedrooms including the removal of an internal staircase, erection of entrance canopy, insertion of roof lights and additional and enlarged openings.

Character and appearance of the surroundings

21. The building is three storeys in height at the front of the development facing Carr House Drive, with a drop in ridge height to the north and also the inclusion of hipped pitched gables. The approved development was considered appropriate in scale, form and character in line with Policies H16 and Q8. The insertion of roof lights, additional and enlarged door and windows, sidelights to the dormer windows and the proposed canopy are not considered to detract from the character or the appearance of the surroundings. The proposals are thus considered appropriate in scale, form and character in line with Policies H16 and Q8.

Amenities of existing residents

22. The proposals introduce 8 no. roof lights, 4 positioned on the eastern roof slope facing the church and 4 positioned on the west elevation, facing the rear of the shops and flats above. In terms of residential amenity the effect of these new roof lights, coupled with alterations to windows and doors and sidelights to the dormer windows are not considered to have a detrimental effect on the amenity of permanent residents living nearby or neighboring occupiers, in accordance with Policies H13, H16 and Q8 of the Local Plan.

Amenity standards and open space

23. Areas of amenity space are included by the provision of an enclosed resident's garden to the east and a more open aspect hedged resident's garden to the south, to the front of the proposed building. In addition planted flower beds are proposed around the building with soft landscaping.

24. Whilst an increase in bedrooms from 56 to 58 intensifies the use of the building, bedroom and dayrooms are well related to the proposed amenity areas. The current proposals are considered satisfactory in terms of standards of amenity and open space to be provided within the scheme for future occupiers.

Impacts upon traffic and highways safety

25. The application introduces a further two bedrooms over those originally approved, whilst still including the provision of an 18 space car park, 5 dedicated staff spaces together with 13 spaces for visitors. (The approved car park arrangement being unaltered). The Highways Authority accepts the proposed increase in bedrooms without an alteration to the car park layout. The proposals are considered acceptable in terms of highway safety and vehicle parking off the highway in accord with Policies T1 and T10 of the Local Plan.

Other Issues

26. The Sustainability Section has requested a standard condition which relates to the submission of a scheme to minimize energy consumption; this was not requested during consideration of the original application. When issuing a Section 73 decision it is possible for new conditions to be added provided that they are done so in accordance with Circular 11/95. In this case, as the development is substantially complete it is not considered that it would be reasonable to attach such a condition at this stage. The inclusion of the requested condition therefore fails to meet the requirements of Circular 11/95.

27. In 2010 an application was approved to discharge the conditions relating to the original approval. As the building is substantially complete it is not therefore considered necessary to repeat all the conditions of the original approval, only those outstanding.

CONCLUSION

28. In conclusion, the principle of redeveloping the site for a nursing home has been established and is entirely consistent with national, regional and local planning policies. The proposals are considered acceptable in terms of their impact upon the character and appearance of the surroundings, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and the impact upon traffic and highway safety, in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A of the City of Durham Local Plan 2004.

RECOMMENDATION

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

1. 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: In the interests of the appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.
2. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, chimneys, ventilation, parapets, rooflights and guttering 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 appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.
3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to 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 appearance of the area and to comply with Policies H16, H13 and Q8 of the City of Durham Local Plan 2004.

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4. No further subdivision of the accommodation approved, or use of rooms not demarked as one of the 58 bedrooms on the plans, for such shall be implemented without the grant of further express consent by the Local Planning Authority. Reason: In the interests of the amenity of the area and in accord with Policies H13 and H16 of the City of Durham Local Plan 2004.
 5. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed. Drawing DAL-PLAN-MAT-005 Rev A Proposed Elevations 02; Drawing DAL-PLAN-MAT-001 Rev B Proposed Ground Floor Plan; Drawing DAL-PLAN-MAT-005 Rev A Proposed Elevations 02; Drawing DAL-PLAN-MAT-002 Rev B Proposed First Floor Plan; Drawing DAL-PLAN-MAT-003 Rev C Proposed Second Floor Plan; Drawing DAL-PLAN-MAT-004 Rev C Proposed Elevations 01. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H16 and H13 of the City of Durham Local Plan 2004.
 6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of the visual amenity of the area and to comply with Policies H16 and E14 of the City of Durham Local Plan 2004.
 7. Before the occupation of the building hereby approved the kerbline and footpath shall be properly reinstated and surfaced to the satisfaction of the Local Planning Authority, in accordance with details which have been first submitted to and agreed in writing by the Local Planning Authority. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H16, T1 and T10 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The principle of redeveloping the site for a nursing home has been established in the grant of the previous consent (4/09/00568/FPA) and is consistent with national, regional and local planning policies. The proposals are considered acceptable in terms of their impact upon the character and appearance of the surroundings, the amenities of existing residents and nearby occupiers, provision of satisfactory standards of amenity and open space for future residents and the impact upon traffic and highway safety, in line with Policies H13, H16, C9, E14, S5, T1, T10, Q1 and Q2, Q3, Q5, Q8 and U8A 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), and Policies 8 and 24 North East of England Plan - Regional Spatial Strategy to 2021.

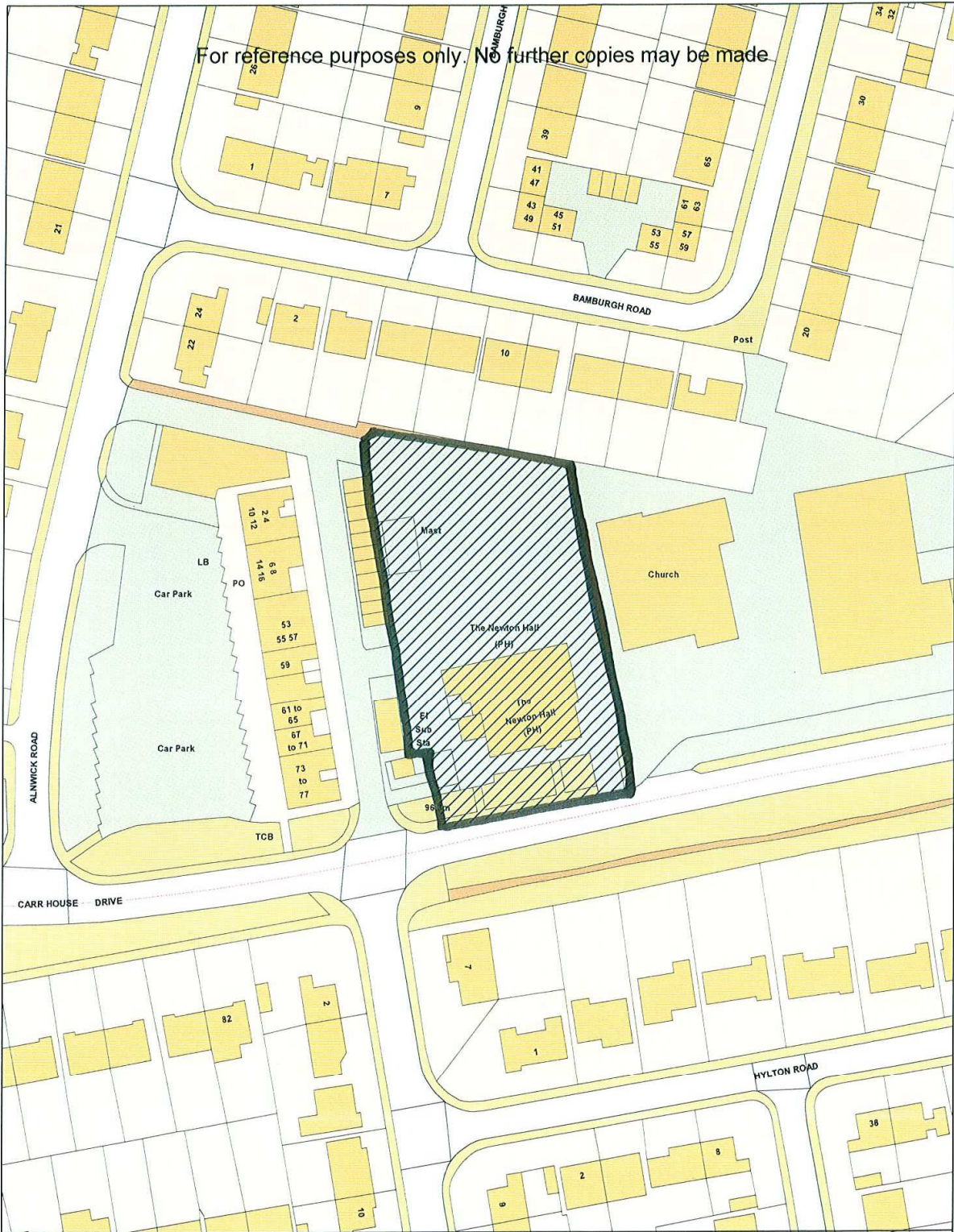
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2. In particular the development was considered acceptable having regard to consideration of issues of development principle, provision of amenity and open space for residents, the impacts upon the character and appearance of the surroundings, the amenities of existing residents, impact upon traffic and highway safety.
 3. No third party letters of representation have been received.
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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, PPS3, PPS13, PPG22
Responses from County Highway, Sustainability Team
Public Consultation Response



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/10/00955/FPA

FULL APPLICATION DESCRIPTION: Erection of single storey extension to Durham Crematorium to accommodate replacement cremators, associated plant and garden store; erection of electricity substation; and revised parking arrangements

NAME OF APPLICANT: Durham County Council

ADDRESS: Durham Crematorium, South Road, Durham, DH1 3TQ

ELECTORAL DIVISION: Elvet

CASE OFFICER: Peter Herbert, Principal Planner
0191 301 8723
peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Durham Crematorium lies on the south west edge of Durham City, and takes access from South Road. The premises are bounded by the Durham University student residential accommodation at Ustinov/Josephine Butler college to the north east, Durham High School for Girls to the south west; whilst due west, on the opposite side of South Road, lies Mount Oswald Golf Course. To the south lies a sewerage treatment works with open countryside beyond.

2. The crematorium dates from 1960, is octagonal in form, single storey, and constructed of local stone, and stands within 61 hectares of land that includes a cemetery and walled memorial garden. The crematorium design was reputedly inspired by the Durham Cathedral monks' kitchen.

3. In response to a change in Environmental Protection Act (1990) legislation requiring the removal of mercury from crematorium emissions by January 2012, it has become necessary to install new cremators and associated filtration systems. However, in order to enable the existing cremators to remain in use during the installation period, the new equipment would be housed within an extension to the existing building.

4. Once the new cremators are functioning, the existing cremators would be removed, and the space created used for additional storage and an expansion of office

accommodation.

5. The crematorium handles approximately 2100 cremations annually, more than five times its original turn over, and this has put an unforeseen pressure on the site in terms of vehicular access and parking. Currently it is not uncommon for vehicles to be prevented from accessing the site by those leaving. As a consequence queues form on South Road, and parking takes place on grassed areas that form part of the crematorium's landscape setting as a result of a shortfall in designated parking spaces.

6. The crematorium manager has recognized that, at a time of intense emotional stress, matters can only be worsened by such access difficulties. Accordingly, as part of this proposal, the opportunity is being taken to improve traffic movement within the site, increasing the number of car parking spaces from 42 to 77, increasing the number of disabled parking spaces from 2 to 5, and providing 2 dedicated spaces for those officiating at crematorium services and 2 coach parking spaces, and an electric vehicle recharging point.

7. Consideration was given to the widening of the crematorium site entrance at South Road, where two stone piers form a "pinch point". However, in view of the piers' visual importance (their design echoing that of Sir Edward Lutyens' London Cenotaph), and in consultation with the Highway Authority, the piers will remain in place. Instead, road widening will take place beyond the gateway within the site, and traffic flows will be managed by the simple mechanism of those leaving the crematorium being required to give way to those entering.

8. The extension design echoes the scale and style of the existing building, and is subservient to its principle elements. Materials will match, where possible, to include brickwork with bonding, copper roofing or similar, and stained hardwood windows. "Trespa" cladding panels below the crematory windows will reflect the existing building's weathered copper roofing, and obscured abstract stained glass windows in the committal rooms will echo the theme of the current crematory fenestration, allowing light yet maintaining privacy.

9. A boiler room, store, and electricity substation have been visually merged with the proposed extension by means of a walled service yard.

10. To off-set the high gas consumption of the cremators, a heat recovery system will help provide heating within the building. Further uses for heat generated, including the generation of electricity to be sold to the National Grid, will be explored in the future.

11. Sustainable drainage will take the form of some rain water being discharged into soak ways. The remainder, including car park run-off, being discharged, with the knowledge of the Environment Agency, into the neighbouring Saltwell Gill water course, as is already the case.

12. The application is supported by a comprehensive Design and Access Statement, Bat Report, and Tree Protection Plan.

PLANNING HISTORY

13. Durham Crematorium, designed by J R Chaplin, was built in 1960, and has been steadily developed thereafter.

14. Three new cremators were installed in 1992, including a new chimney, to comply with the Environmental Protection Act 1990.

15. An award winning walled memorial garden was created in 2000, and the subsequent installation of art works within the crematorium grounds include the Spirit of Hope by Adrian Pearce erected in 2005.

PLANNING POLICY

16. 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.

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

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

Planning Policy Statement 25: Development and Flood Risk delivers government policy in respect of surface water disposal and the minimisation of flood risk.

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.

17. 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.

In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension. Of particular relevance to this application 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.

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 decentralized or low-carbon sources.

18. LOCAL PLAN POLICY:

Policy E14 (Protection of Existing Trees and Hedgerows) seeks measures to safeguard vegetation on development sites both during and after construction.

Policy E16 (Protection and Promotion of Nature Conservation) seeks to address and protect ecology associated with development sites

Policy T1 (Traffic Generation – General) precludes development proposals likely to lead to a level of traffic generation prejudicial to highway safety.

Policy T10 (Parking – General Provision) requires an appropriate level of off street parking that will avoid hazardous on street parking, yet encourage the use of a variety of transport modes.

Policy U8A (Disposal of Foul and Surface Water) requires satisfactory foul and surface water disposal, enabling water and sewage undertakers to meet their statutory obligations.

Policy Q7 (Layout and Design – Industrial and Business Development) requires a high standard of layout and design in respect of such development.

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

19. STATUTORY RESPONSES:

The County Highway Authority, who was consulted throughout the design of this scheme, accepts the level of parking and traffic management measures proposed, including the retention of the gateway “pinch point,” provided that clear signage is put in place to alert drivers that those entering the crematorium grounds have priority.

The Highways Agency offers no comment.

20. INTERNAL CONSULTEE RESPONSES:

Environmental Health Officers draw attention to the fact that the crematorium is regulated under Local Authority Air Pollution Control of Industrial Installations, and will therefore require an installation permit at the appropriate time.

Whilst it is anticipated that construction work will cause some noise disturbance, the site’s secluded location, and the need for weekend working to minimize disruption to crematorium service delivery is recognised. Accordingly, working hours restrictions are not considered necessary.

The Senior Low Carbon Officer welcomes future investigation of the feasibility of low carbon electricity production as a byproduct of cremator heat generation.

The County Ecologist offers no objections.

21. PUBLIC RESPONSES:

None

22. APPLICANTS STATEMENT:

The necessity for this proposal has arisen from the tightening of pollution control in respect of mercury entering the atmosphere, and the opportunity has been taken to combine with this the improvement to vehicle access and egress, on site circulation, and parking within the crematorium grounds.

The extension design and choice of materials are respectful of the distinctive crematorium architecture, while the need to address local ecology and tree protection has been taken fully into account.

The necessity to allow the crematorium to fully function during the installation of the new

cremators has to a large extent informed the design approach taken. However, the space released once the existing cremators have been decommissioned will allow valuable additional office and storage space

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=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Durham Crematorium is a vital component of Durham County Council's service to the public.
24. The installation of new environmental friendly cremators is a necessity rather than an option, yet it is critical that the crematorium continues to function during the course of this development.
25. The manner in which this task has been approached is both logistically effective and architecturally sensitive, providing the accommodation required yet being visually respectful of an important Durham building and its tranquil setting.
26. Similarly, a significant improvement to access, parking and traffic circulation within the crematorium grounds will be brought about, without sacrificing the distinctive character of the entrance gateway.
27. Accordingly, the objectives of Local Plan Policies Q7, T1 and T10 are considered to have been met.
28. The presence of bats, and the existence of important boundary trees, have also been carefully considered and addressed. The objectives of Local Plan Policies E14 and E16 are therefore considered to have been met.

CONCLUSION

29. This is a well considered and sensitively executed scheme, which both addresses a statutory requirement and enhances the appearance and operation of an essential County Council service.
30. The proposal complies with all planning policies that relate to such a development, and no objections to it have been received.
31. Accordingly, this application is fully supported.

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 only in accordance with the approved plans, specifications and conditions hereby imposed: Sections (Drawing 07 Rev A), Access Road and Car Park Appendix 10 (Drawing 10) received 24 December 2010, Proposed Plans Phase 1 (Drawing 05 Rev F), Proposed Plans Phase 2 (Drawing 06 Rev E) and Tree Protection Plan (Drawing 1134089/TPP/01 received 24 January 2011, Proposed Site Plan (Drawing 01 Rev F), Proposed Elevations 1 (Drawing 08 Rev F) and Proposed Elevations 2 (Drawing 09 Rev E) received 16 February 2011. Reason: In the interests of delivering the objectives of Policies Q7, T1 and T10 of the City of Durham 2004.
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 Policy Q7 of the City of Durham Local Plan 2004.
4. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policy Q7 of the City of Durham Local Plan 2004.
5. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 (Development and Flood Risk), and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000 which is specifically: 1 Soakaway, 2 Watercourse, 3 Sewer. Such an approach meets the objectives of Policy U8A of the City of Durham Local Plan 2004.
6. The mitigation strategy contained within Part F of the submitted "Phase 1 Survey Report and Bat Survey Report" shall be carried out in full. Reason: In the interests of safeguarding a protected species, and to meet the objectives of Policy E16 of the City of Durham Local Plan 2004.
7. Tree protection measures as shown on submitted drawing "1134089/TPP/01 "Tree Protection Plan" shall be carried out in full. Reason: To meet the objectives of Policy E14 of City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

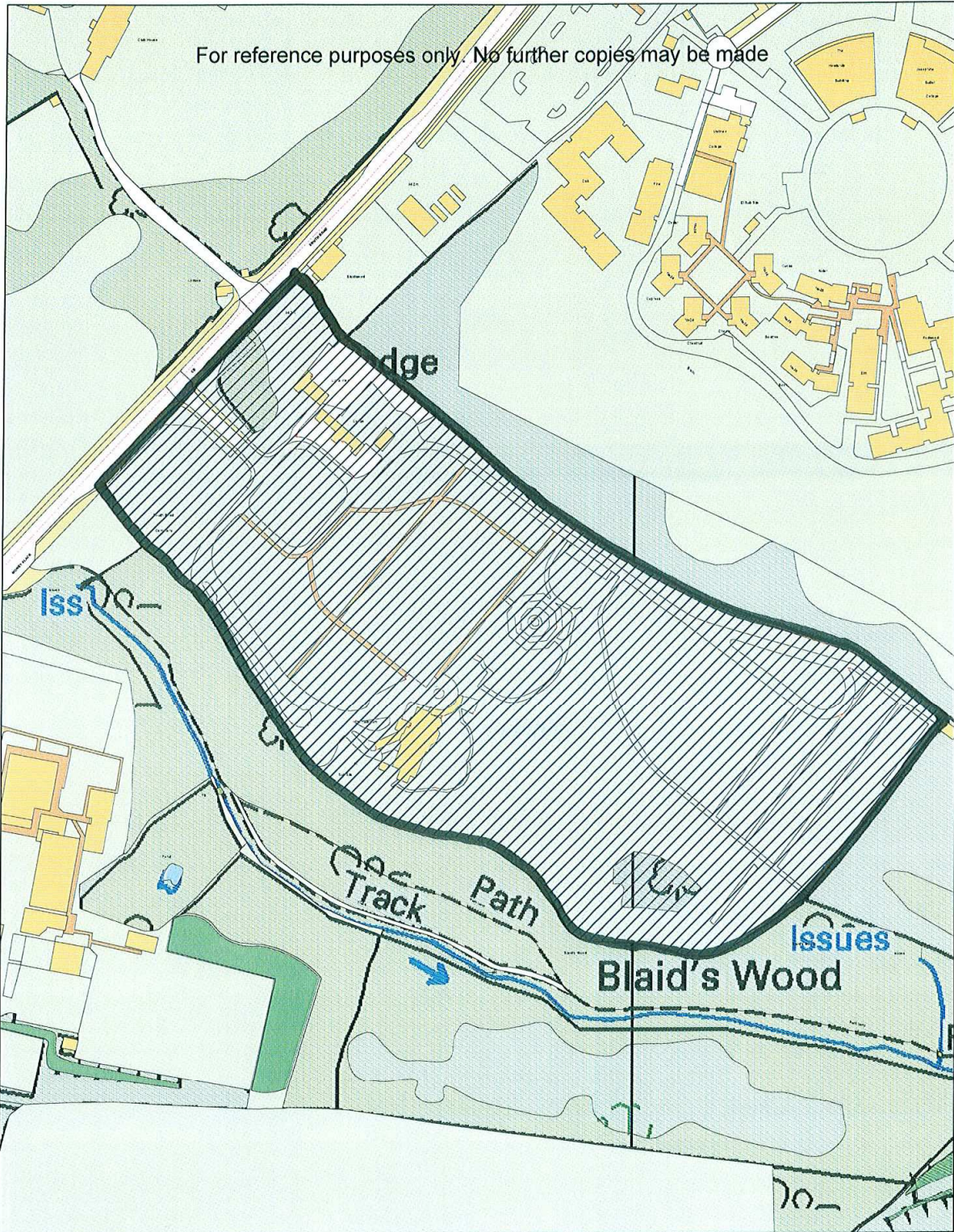
1. The proposed development is considered acceptable having regard to Policies E14, E16, T1, T10, U8A and Q7 of the City of Durham Local Plan 2004.
2. More specifically, this proposal constitutes a sensitively designed response to an essential environmental requirement that will enable an important County Council service to continue being available to the public.
3. No objections have been raised to this proposal by any party.

BACKGROUND PAPERS

Submitted Application Forms and Plans.
Design and Access Statement
Bat Report and Tree Protection Plan
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 Highway Authority
Response from Environment Agency
Response from Environmental Health
Response from Low Carbon Officer



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Planning Services

4/10/955/FPA - Durham Crematorium

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Comments

Date

24 February 2011

Scale

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Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. APPEAL DECISIONS:****Appeals by Mr Michael Wilson****Site at 2 Bath Terrace, Seaham, SR7 7EZ****Planning Reference- PL/5/2010/0260 and PL/5/2010/0261**

Appeals were lodged against the Council's refusal of planning permission and Listed Building Consent for the retrospective erection of decking and balustrade on top of an existing garage/workshop at the site. Previously permission was refused, under delegated powers, because of its size, design and location which resulted in an excessive and unduly prominent form of development, which was detrimental to the character and appearance of the Conservation Area and Listed Building as well as adversely affecting the residential amenities enjoyed by the occupants of adjoining and nearby properties in terms of visual intrusion, overlooking and loss of privacy. It was therefore considered that the proposed development was contrary to Local and National Planning Policy.

Both appeals were allowed and a condition requiring that details of the balustrade be submitted and completed in accordance with submitted plans was attached to the decision.

The appeal was allowed as the Inspectorate considered that, due to the separation of the Listed building from the structure, there was no harmful impact upon the setting of the Listed building. In addition it was considered that the works sit comfortably with the existing garden features, and would therefore not adversely impact upon the character or appearance of the Conservation Area. It was also considered due to the open nature of the garden areas that the decking would not adversely impact upon the current levels of privacy enjoyed at the site.

Recommendation:

That the report be noted.

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