



Area Planning Committee (Central and East Durham)

Date Tuesday 12 April 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 8 March 2011. (Pages 1 - 4)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central & East Durham).
 - a) 4/11/00036/FPA - 1 Louisa Terrace, Witton Gilbert, Durham, DH7 6QS. (Pages 5 - 14)
Formation of access onto classified road.
 - b) 4/11/00040/OUT - Land Adjacent to Entrance of South Bowburn Industrial Estate, Bowburn, Durham. (Pages 15 - 24)
Application for new outline planning permission to replace extant permission (08/00138 as varied by 08/00989/VOC and 09/00493/VOC for retail development including details of means of access with all other matters reserved) in order to extend time period for implementation.
 - c) 4/11/00050/FPA - Land to North of Oakway Court, Littleburn Road, Meadowfield, Durham (Pages 25 - 32)
Application for replacement planning permission 4/07/01220FPA (erection of 14 no. industrial units including vehicular access and parking) to extend time period for implementation.
 - d) 4/11/00095/FPA - Red Oak, Lowland Road, Brandon, Durham, DH7 8NN. (Pages 33 - 40)
Application seeking new planning permission to replace extant permission 08/0080/FPA (demolition of existing public house and erection of 16 no. dwellings) in order to extend time period for implementation.

- e) 4/11/00109/FPA - 2 Lancashire Drive, Belmont, Durham. (Pages 41 - 46)

Erection of detached pitched roof garage at rear of existing dwelling.

4. Appeal Update. (Pages 47 - 48)
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

4 April 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

Contact: Paula Nicholson
Tel 0191 3727655

Email:
paula.nicholson@durham.gov.uk

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber - Easington Locality Office, Seaside Lane, Easington on **Tuesday 8 March 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors M Plews (Vice-Chair), J Blakey, G Bleasdale, D Boyes (substitute for J Moran), P Charlton and D Freeman

Apologies:

Apologies for absence were received from Councillors J Bailey, A Bell, S Iveson, R Liddle, J Moran and K Thompson

Also Present:

A Dobie (Principal Planning Officer - Easington Area Office), A Simpson (Development Control Manager - Durham Area Office), N Carter (Solicitor - Planning and Development), G Folley (Planning Officer - Easington Area Office), A Glenwright (Highways Officer) and P Nicholson (Committee Services Officer)

1 Minutes of the Last Meeting held on 22 February 2011.

The minutes of the meeting held on 22 February 2011 were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest (if any).

Councillors Blakey and Plews declared a personal interest in Application 4/10/955/FPA as they were both members of the Central Durham Crematorium Joint Committee.

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

3a PL/5/2011/0034 - Site of Former Aged Miners Hostel, Salters Lane, Shotton Colliery, DN6 2JQ.

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for refusal. 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 and sought members approval to amend the refusal reason which was agreed.

Councillor Todd the Divisional Ward Member was unable to attend the meeting so he submitted a letter in support of the proposed development which was read out by the Principal Planning Officer and circulated to members at the meeting.

He supported the application primarily on the current state of the vacant site which was previously a Miner's Hostel and had been in derelict condition for some time and that the proposed development would tidy up what was an extremely unsightly area which lay at one of the main entrances to Shotton Colliery. The application was for a small number of properties that should not have any real significant impact on housing provision itself, but would undoubtedly tidy up the site. Although the site was outside the settlement boundary, properties did lie to the north of the proposed development.

Mr W Scorer speaking in support of the application gave a powerpoint presentation and indicated that they were a specialised company that dealt with difficult sites and that they had a proven track record of success.

The site in question was previously terraced housing and the site of the former Aged Miners Hostel. He also indicated that Shotton extended beyond the line and that foundations could be clearly seen on the site, therefore the site was brownfield.

The policy reasons for refusal were based on the District of Easington Local Plan 2001 which was out of date and the County Durham Plan which had not yet been agreed.

He referred to the need to deliver new homes in an area starved of new property development. He went on to say that a dangerous structure had been demolished on the site to resolve a long standing problem. He also referred to the fact that they had withdrawn the original application and that they were never advised that the scheme would not receive support and that it would be refused on policy grounds.

He indicated that the development would provide benefits to Shotton with low cost housing to retain local people in a village which would give local people an opportunity to invest in their local community as well as supporting local services and local labour involved in the building process and asked that the application be approved.

The Principal Planning Officer advised that the Developers track record had no bearing on the consideration of the current proposal. The most recent demolition took place in 2006 and that the policies were old but were still relevant and part of the up to date development plan. He was not aware that the Council encouraged the developers and that discussions were underway before the building was demolished. The site was now considered as a new build.

Councillor Boyes indicated that he did not agree with developing outside the settlement boundary but this site was unsightly and proposed that the application be approved.

Councillor Charlton indicated that the site had been previously used as a living area and that there was currently an occupied caravan on site and seconded that the application be approved.

Members agreed unanimously to grant delegated powers to the Principal Planning Officer to determine the conditions to be attached.

Resolved: That the application be **APPROVED** subject to the imposition of appropriate planning conditions and the Principal Planning Officer be authorised to formulate those conditions.

Reasons for Decision: The area had previously been a living area and there was an occupied caravan currently on the site. The site was brownfield reasonably close to Shotton and the development would tidy up an unsightly area. It was therefore considered that the benefits of the development would outweigh any planning harm arising from the conflict with policy.

3b 4/10/948/VOC - The Former Newton Hall, Carr House Drive, Newton Hall, Durham, DH1 5LT.

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

3c 4/10/955/FPA - Durham Crematorium, South Road, Durham, DH1 3TQ.

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager gave a detailed presentation on the main issues outlined in the report and advised members that since the report was written it had become apparent that the crematorium lies within the Durham Green Belt and an Area of Landscape Value. Accordingly, the proposed work to be carried out must be measured against Local Plan Policies E1 and E10.

Policy E1.2 allows the construction of new buildings within the Green Belt for essential facilities associated with cemeteries and Durham Crematorium lies within such a land use and was closely associated with it. Accordingly, this application was in line with a development permissible within a Green Belt and there would be no impact upon openness.

Policy E10 allows development within Areas of High Landscape Value provided that no demonstrable harm results. This proposal, due to its size and well contained location, would have no such impact. As a result, this policy's objectives had been met.

The Chairman advised members that they were unable to visit the site as funerals were taking place.

Councillor Plews indicated that the development was required due to legislation requiring the removal of mercury from crematorium emissions by January 2012 and if not met a financial penalty would be imposed. She asked members to support her and approve the application.

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

4 Appeal Update.

Appeal Decision

The Principal Planning Officer (Easington Area Office) gave details in relation to the following appeal, which had been considered by the Planning Inspectorate.

**(i) 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.

Resolved: That the report be noted.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00036/FPA
FULL APPLICATION DESCRIPTION:	Formation of access onto classified road
NAME OF APPLICANT:	Mr J Tate
SITE ADDRESS:	1 Louisa Terrace Witton Gilbert Durham DH7 6QS
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Henry Jones, Area Planning Officer 0191 3018739, henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to an end terrace property, No. 1 Louisa Terrace located within Witton Gilbert. Louisa Terrace fronts onto the B6312 Sacriston Lane, one of the main routes through Witton Gilbert.
 2. To the west of the site lies an electricity substation building, and beyond a modern residential estate at Acorn Croft. To the north of Louisa Terrace lies a back lane with private residential amenity spaces beyond. Beyond Sacriston Lane, to the south, lies an area of open grassed land and then further residential properties on Burnside.
 3. The application itself seeks planning permission for the formation of a new vehicular access onto Sacriston Lane. The new access would be formed adjacent to the western gable end of the property. Within the curtilage the proposed plan shows a permeable paving area for vehicular parking. At present, double yellow lines mark the highway where the proposed access is to be located.
 4. The application is reported to Planning Committee following a request from a Local Ward Member.
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PLANNING HISTORY

5. In 2010 planning permission was granted for the erection of a single storey extension to the rear of the property. Works in association with this development had commenced on site at the time of a site visit made by officers.

6. An application for the demolition of a garage to the rear of No. 1 Louisa Terrace and replacement with a new two storey detached dwelling with associated parking area and turning head was submitted to run concurrently with this planning application before Planning Committee. However, this application for a new dwelling has since been withdrawn.

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's policies that need to be taken into account by regional planning bodies. Six key principles are evinced including the need to achieve high quality inclusive design.

Planning Policy Guidance 13: Transport: Its objectives are to integrate planning and transport at the national, regional, strategic and local levels and promote more sustainable transport choices both for carrying people and moving freight. It also promotes accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Finally, it aims to reduce the need to travel, especially by car.

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.

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. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant

Policy 8 (Protecting and Enhancing the Environment) Requires new development to maintain local distinctiveness.

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>

9. LOCAL PLAN POLICY:

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 planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

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

Policy Q9 (Extensions and Alterations to Residential Property) states that extensions and alterations to residential property will be permitted provided that the design is sympathetic to the main dwelling, alterations respect the privacy and amenity of neighbouring occupiers and the alteration will not will not create a level of multiple occupancy contrary to policy H9 of the Local 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.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

The Highway Authority has been consulted on the application. They consider that visibility from the access point would be acceptable, with the bend in the B6312 to the north east being over 70 metres away. Although vehicles are likely to have to reverse onto the carriageway, the Highway Authority is satisfied that there is sufficient space for the driver to see in both directions. In addition vehicles waiting to turn right into the site would have sufficient space to wait in the middle of the carriageway.

As a result no objections are raised to the proposed access or parking space. The footpath crossing would need to be constructed to Durham County Council standards under the terms of s184(3) of the Highways Act 1980.

The Highway Authority has in addition to these formal comments had correspondence with a local resident on the highways implications of the development and this is detailed further within the planning considerations and assessment element of this report.

11. INTERNAL CONSULTEE RESPONSES:

None

12. PUBLIC RESPONSES:

Eight letters or emails have been received from those wishing to make representations in respect of this development.

One objector queries the public consultation exercise which has been undertaken, stating that no site notice has been erected and that no consideration given to how the proposal would affect users of the pavement, drivers leaving Acorn Croft, and drivers using Sacriston

Lane in general.

Two objector's raise concerns relating to the application for the additional dwellinghouse to the rear of Louisa Terrace which has since been withdrawn. However, concern is also raised regarding the safety of an additional vehicular access to Sacriston Lane sought within that earlier application, and clarity is sought from the Highways Authority by one resident as to whether such an access adheres to required safety guidance.

A further resident considers the proposed access to be unsafe with stopping distances, and required vehicular manoeuvres, to be dangerous and contrary to the highway code.

Objection has also been raised regarding the amount of trees and shrubs removed from the site in October 2010 with no consultation with neighbouring occupiers. The authorisation of such removal has been questioned, together with a request for damage to be made good in the interests of the appearance of the area.

The future of dilapidated sheds and outbuildings now exposed by the tree removal and currently facing residents is questioned, and it has been suggested that the Council should act under Section 79-82 of the Environmental Protection Act which deals with unsightly gardens.

A local resident has submitted a lengthy letter of objection wholly relating to concerns with regards to highway safety. The resident uses photographs and diagrams to help illustrate points. Particular concern is raised in respect of reversing manoeuvres from the proposed drive onto Sacriston Lane, particularly if the wall to the front of No. 1 Louisa Terrace was increased in height. If it were possible to either turn the car around within the parking area or reverse into the parking space off the highway this would be safer, but this is dependent upon the view not being obstructed by vehicles parking on Sacriston Lane. If planning permission were granted, double yellow lines should be extended from the sub station into Acorn Croft it is suggested.

The parking space indicated on plan is also alledged to be larger than for a single vehicle, were more vehicles to be accommodated then it is suggested the chances of collision would rise through the increase in manoeuvres. It is also considered that this application for a "risky" new access is only sought because of the plans to development a dwelling to rear, and that the two developments and associated impacts must be considered together.

Further correspondence between a local resident and the Highway Authority is discussed within the planning considerations and assessment section of this report.

One resident has submitted a further email stating that no response to his original objection had been received. Objections on matters of highway safety and the loss of trees are raised again. It is urged that planning permission is not granted until confirmation has been received from the applicant that repair to the damage done is undertaken.

Officers have responded directly to these comments and have explained that the application is to be heard at Planning Committee, with all comments raised being taken into account within the officer's report.

13. APPLICANTS STATEMENT:

The applicant has submitted a design and access statement in support of the application. Access onto the parking area from the rear road serving Louisa Terrace will be stopped up. The proposed dropped kerb will be to the required County Council standards.

The parking area is to be surfaced using permeable materials to accommodate rain water and details have been provided within the 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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00036/FPA>
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

PLANNING CONSIDERATIONS AND ASSESSMENT

14. The main planning considerations relate to the implications of the development upon highway safety and impacts upon the character and appearance of the area.

Highway Safety

15. This application seeks planning permission for the formation of a new vehicular access to a classified road and as a result the main planning consideration is that of highway safety.

16. This application together with a recently withdrawn application for the erection of a single dwelling to the rear of Louisa Terrace has attracted some public objection. Of the points of objection with regards to this particular application most concern relates to matters of highway safety.

17. Policy T1 of the Local Plan states that planning permission will not be granted for development that would generate a level of traffic detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

18. The Highway Authority has been consulted as to their views. Visibility from the access point is considered acceptable, with the bend on the B6312 to the north east being over 70 metres away. Although vehicles are likely to reverse onto the carriageway, the Highway Authority is satisfied that there is sufficient space for the driver to see in both directions. In addition, vehicles waiting to turn right into the site would have sufficient space to stand in the middle of the carriageway. The new access will, however, require a footpath crossing to be constructed to Durham County Council standards under the terms of s184(3) of the Highways Act 1980.

19. Letters of objection concerning highway matters raise a number of safety issues. The concerns relate to stopping distances, the need to reverse into traffic, visibility, the size of drive and number of cars which could potentially use the access, and the need to extend double yellow lines if planning permission were granted.

20. Officers have discussed these matters at length with the Highway Authority, and the conclusion remains that the proposed access would not be harmful to highway safety. Correspondence has also occurred directly between one local resident and the Highway Authority with queries raised over whether a highways officer visited the site and how it is determined that the access would be safe. The highways section manager explained that several site visits had been undertaken to the site. Sacriston Lane is an urban single carriageway which already has several individual vehicular accesses onto it not unlike that proposed. The speed limit is 30 mph and the Highway Authority considers that 85% of cars will be travelling at 37 mph or less. This figure is used to derive a required sight distance of 59 metres. This distance is achieved, and visibility is considered to be rarely obstructed by

parked vehicles due to the presence of double yellow lines and the central hatched markings. Boundary walls are low to the terraces on Louisa Terrace further aiding visibility. The Highway Authority state that traffic volume is quite high at 6500 vehicles per day but users of the new driveway will have to wait for a safe gap as do other motorists who use accesses onto this road.

21. The local resident responded in turn to the Highway Authority showing disagreement with the analysis, namely that 59 metres visibility is not available, that survey and analysis work is not substantive enough, and details are given of occasions where the objector has had to perform similar manoeuvres and did not consider them safe.

22. With expertise within matters of highway safety, it is considered that considerable weight must be attributed the Highway Authority's consistent view that the proposed development of access and parking area would be safe. Despite the strength of concern from some local residents over such an access, planning officers concur with the views of the Highway Authority and consider that there would not be reasonable highway safety grounds on which to refuse the application.

23. Officers acknowledge that this application was originally submitted in conjunction with a proposal for a new dwelling to the rear of Louisa Terrace, now withdrawn, and that the current proposal may well be motivated by a wish to provide access for a future dwelling resubmission. However the current application must now be considered on its own merits.

Impact upon the Character and Appearance of the Area

24. Policy Q9 of the Local Plan requires all alterations to residential property to remain sympathetic to the main dwelling, whilst policy H13 will not permit development proposals which would have a significant adverse effect on the character or appearance of residential areas.

25. Some content of the letters of objection received relates to the cutting down of trees and shrubs which occurred at No. 1 Louisa Terrace and the land to the rear. Queries are raised as to how these works were authorised at the time and whether now the Council can act to remedy the condition of the land. It must be noted that trees and shrubs have been removed from both this application site and from the site of the withdrawn new dwelling application.

26. None of the trees or other landscape features within either application site was formally protected by a tree preservation order or any other means of protection. As a result a landowner is entitled to do works to such trees or landscape features without the prior consent of the Local Planning Authority. When the trees and landscape features were removed, the Local Planning Authority did not give authorisation as authorisation was not required.

27. Officers acknowledge that such works will have had some detrimental impact upon visually amenity. The photographs supplied with some letters of objection do indicate former landscaped areas now removed and the objections can be fully appreciated by officers.

28. However, no authorization was required. Planning applications must only be refused for reasonable and justified reasons, if not the Council exposes itself to potential challenge and the awarding of costs against it.

29. One local resident has queried whether action could be taken by the Council due to

provisions within the Environmental Protection Act. That forms a separate statutory regime from planning and is not within the remit of this Committee. Although it seems unlikely that any action could be taken under the EPA, Officers will refer the matter to Environmental Health officers for their consideration.

30. Aside from the matter of the trees and landscape features removed from the site the physical alterations of a new vehicular access and hardstand driveway are considered to be acceptable in visual amenity terms. Details have been provided that a Marshalls Tegula Priora permeable paving system would be used, and such a hard stand is considered to be appropriate.

31. The applicant states that the rear of the property, where it meets the back lane, is to be stopped up. In order to ensure that any means of enclosure is appropriately designed a condition can be attached to any approval.

Other Issues

32. One objector queries the public consultation exercise which has been undertaken with regards to the planning application. Letters were sent to the immediate neighbouring occupiers of the site. A site notice was not displayed. However, under statutory planning application publicity regulations, no such site notice is required. As a result officers consider that the public consultation exercise undertaken during the course of the application has been acceptable and proportionate to the development, and that there is no reason to delay the determination of the application upon such grounds.

CONCLUSION

33. This planning application relates only to the formation of a new vehicular access to Sacriston Lane, a classified road, and formation of related parking area. The application must be determined on its own merits.

34. The main area of consideration is highway safety. Significant concern with regards to highway safety has been raised by some local residents. The Highway Authority have assessed the proposed access in detail and concluded that the access is safe.

35. Much public objection relates to the previous removal of trees shrubs from the site and land to its rear. With said trees and landscape features not benefiting from any tree preservation order or other means of formal protection, the Local Planning Authority had no control over the removal works which were undertaken and the land owner was therefore entitled to undertake those works. Although the removal of such attractive features is regrettable, officers do not consider this as a justifiable reason to withhold planning permission for this development.

36. Planning approval is therefore recommended.

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. Prior to the commencement of the development details of means of enclosures to be

erected around the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall thereafter be constructed in accordance with the approved details prior to the first use of the means of access hereby approved. Reason: In the interests of visual amenity in accordance with Policy Q9 of the City of Durham Local Plan 2004.

3. The footpath crossing shall be constructed to Durham County Council standards pursuant to S184 of the Highways Act 1980 prior to the first use of the means of access hereby approved. Reason: In the interests of highway safety, in accordance with the objectives of Policy T1 of the City of Durham Local Plan 2004.

The development hereby approved shall be carried out in strict accordance with the following approved plans. Proposed plan numbered 1 received 19th January 2011. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The proposed formation of a new vehicular access to a classified road is considered to cause no detriment to highway safety or the character or appearance of the area in accordance with Policies Q9, H13, T1 and T10 of the City of Durham Local Plan 2004.

2. In particular, the development was considered acceptable having regard to the impact upon highway safety of a new access onto a classified road.

3. Much public objection to the proposal related to highway safety concern, and these the Highway Authority have commented upon, with their conclusion being that conditions prejudicial to highway safety are unlikely to result. Concerns have also been expressed regarding the previous removal of trees and landscape features from the site and land to rear. Whilst such removal of attractive features is regrettable, officers do not consider that these works, not requiring Local Planning Authority consent, is a justifiable reason to withhold planning permission for the development proposed.

BACKGROUND PAPERS

Submitted Application Forms and Plans.
Submitted Design and Access Statement
City of Durham Local Plan 2004
Regional Spatial Strategy
Planning Policy Statement 1 and Planning Policy Guidance 13
Responses from County Highway Authority
Public representations
Planning Circular 11/95



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Planning Services

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4/11/00036/FPA	
1 Louisa Terrace, Witton Gilbert	
Comments	
Date	29 March 2011
Scale	1:1000



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00040/OUT
FULL APPLICATION DESCRIPTION:	Application for new outline planning permission to replace extant permission (08/00138 as varied by 08/00989/VOC and 09/00493/VOC for retail development including details of means of access with all other matters reserved) in order to extend time period for implementation
NAME OF APPLICANT:	Ogden Group of Companies
ADDRESS:	Land adjacent to entrance of South Bowburn Industrial Estate, Durham Road, Bowburn, Durham
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Peter Herbert, Principal Planner, 0191 3018723, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies close to the southern end of Bowburn South Industrial Estate.
 2. The land is bordered by estate roads to the west and south, the A177 to the east, and open land to the north.
 3. The current outline planning permission pursuant to the site is for retail development including means of access to provide 2650 sq m gross retail floor space, of which not more than 1350 sq m net shall be for convenience goods.
 4. The permission requires a reserved matters application to be submitted by 18 April 2011, and development to begin by 18 April 2013.
 5. As a retail operator has yet to come forward, the applicants, who are the land owners, wish to renew the outline planning permission.
 6. The application is supported by a geotechnical desk study report and flood risk assessment.
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PLANNING HISTORY

7. Outline planning permission was granted in 2008 for 2450 sq m retail floorspace including means of access (all other matters reserved).

8. A variation of planning condition 12 was granted in May 2009 allowing not more than 1500 sq m gross (1000 sq m net) to be used for the sale of convenience goods, but with no overall unit size restriction.

9. A further variation of planning condition 12 was granted in July 2011 allowing not more than 1350 sq m net convenience goods retail floorspace.

PLANNING POLICY

10. NATIONAL POLICY:

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth outlines the Government's objectives to help achieve sustainable economic growth including the positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

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>

11. REGIONAL 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 signalled 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. The following policies are considered relevant:

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 25 (Urban and Rural Centres) identifies key locations for the development of new leisure and retail facilities in the Region. New development should be consistent with the scale of the centre to ensure enhanced vitality and viability.

Policy 54 (Parking and Travel Plans) promotes the minimisation of parking provision and travel plans for non-residential developments in order to encourage sustainable modes of transport.

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>

12. LOCAL PLAN POLICY

Policies EMP8d (General Industrial Estates) and S6 (Village Shops) both apply to the application site, offering the choice of General Industrial (B2) or village shops as being acceptable land uses.

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

Policy T8 (Traffic Management) requires traffic management measures where appropriate to improve highway safety, residential amenity and ease congestion.

Policy T10 (Parking – General Provision) seeks appropriate levels of off street parking associated with new development proposals.

Policy T20 (Cycling – Provision of Cycle Parking) requires cycle parking provision where appropriate.

Policy E14 (Protection of Existing Trees) requires existing tree and hedgerow protection during new development construction

Policy E16 (Protection and Promotion of Nature Conservation) has the objective of promoting nature conservation.

Policy E24 (Ancient Monuments and Archaeological Remains) seeks to protect significant historic remains.

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.

Policy U8A (Disposal of Foul and Surface Water) aims to ensure local flooding does not result from new areas of hard surfacing.

Policy U10 (Natural Flood Plains) requires the consideration of flood risk.

Policy U11 (Development on Contaminated Land) requires sites where there is the possibility of contamination to be fully investigated and remediated where necessary.

Policy Q7 (Layout and Design – Industrial and Business Development) requires high quality layout and design in respect of new commercial development.

Policy Q15 (Art in Design) requires elements of art to be incorporated within significant developments.

Policy S1A (Retail Hierarchy) has as its objective the protection of the vitality and viability of the local retail hierarchy.

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

13. STATUTORY RESPONSES:

The Highways Agency offers no objection to planning permission being renewed.

The Highway Authority offers no objection, subject to the same planning conditions being imposed as before.

14. INTERNAL CONSULTEE RESPONSES:

None

15. PUBLIC RESPONSES:

Cassop Cum Quarrington Parish Council raise no objections

16. APPLICANTS STATEMENT:

The applicants consider that a new outline planning permission should be granted as the considerations against which the original consent was measured have not materially changed.

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=11/00040/OUT>

PLANNING CONSIDERATIONS AND ASSESSMENT

17. On 1st October 2009, the Department for Community and Local Government brought into legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions

alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

18. Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

19. However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

20. In the case of this proposal, there has been no material change in respect of the planning criteria against which this development must be judged.

21. Furthermore, no objections have been received regarding a further planning permission being granted.

CONCLUSION

22. In 2008 when planning permission was first granted it was concluded that in land use, highway safety and retail impact terms, the proposal met the objectives of the relevant planning policies.

23. Those policy objectives have not changed, nor have other material considerations. Accordingly, there is no reason to withhold a new planning consent.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved. 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. Approval of the details of layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q7 of the City of Durham Local Plan 2004.
 3. 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.
 4. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post planting maintenance and such a scheme shall require the approval of the Local Planning Authority in writing before any development is commenced. Such a scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made goods as and when necessary, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.
 5. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.
 6. That before development commences, agreement shall be reached with the Local Planning Authority regarding those trees, shrubs and hedges which shall be retained. These shall be properly fenced off from those parts of the land to be developed and shall remain so protected, to the satisfaction of the said Authority, until the cessation of building works. Details of this fencing shall be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.
 7. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local plan 2004.
 8. No sales shall take place from the premises until there have been submitted to and approved in writing by the Local Planning Authority details of refuse storage and litter

containing facilities and all such approved facilities have been provided. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

9. No development shall take place until the applicant has secured the implementation of an agreed phased program of archaeological works, to include assessment, evaluation, and where appropriate mitigation, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Local Planning Authority. Reason: This is within an area of high archaeological potential in accordance with Policy E24 of the City of Durham Local Plan 2004

10. No development shall commence until a scheme to deal with site contamination has been agreed in writing with the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, with measures taken to avoid risk to the public, buildings and the environment when the site is developed. These measures shall be fully implemented and validated in writing prior to commencement of construction of any buildings. Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with Policy U11 of the City of Durham Local Plan 2004.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004.

12. Not more than 1350 sq m net of the retail floorspace hereby approved shall be used for the sale of convenience goods. Reason: In the interests of protecting the vitality and viability of all centres within the local retail hierarchy, in accordance with the objectives of City of Durham Local Plan 2004 Policy S1A

13. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained thus in perpetuity. Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

14. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement. Reason: In accordance with the objectives of City of Durham Local Plan 2004 Policy Q15.

15. The retail floorspace hereby approved shall not open for trading until the new traffic signals at the site access from the A177 are fully operational. Reason: In the interests of highway safety, in accordance with the objectives of City of Durham Local Plan 2004 Policy T8.

16. A detailed Travel Plan shall be approved in writing by the Local Planning Authority within 6 months of trading commencing from any of the hereby approved retail floorspace and implemented in full accordance with the approved terms. The approved Travel Plan shall be reviewed annually in conjunction with the Local Planning Authority and the County Highway Authority. Reason - In the interests of reducing the traffic impact of the approved development.

17. No development shall commence until details of the means of delivery to, and servicing of, the hereby approved retail floorspace have been agreed in writing with the local Planning Authority. Once agreed, the terms of that agreement will be fully complied with. Reason: In the interests of highway safety, in accordance with the objectives of City of Durham Local Plan 2004 Policy T8.

18. Prior to development commencing, details of car parking layout and cycling facilities within the site shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with. Reason: In accordance with the objectives of City of Durham Local Plan 2004 Policies T10 and T20.

19. An up to date Ecological Assessment of the site, together with any appropriate protected species mitigation measures, shall be submitted with any Reserved Matters submissions to the Local Planning Authority for approval and the development must thereafter be carried out in accordance with those approved details. Reason: In the interests of the preservation of protective species and nature conservation, in accordance with the objectives of City of Durham Local Plan Policy E16.

REASONS FOR THE DECISION

1. The proposed development is considered acceptable having regard to the following policies of the City of Durham Local Plan 2004: EMP8d, S6, T1, T8, T10, T20, E14, E16, E24, H13, U8A, U11, Q7, Q15, and S1A.

2. More specifically, this proposal constitutes a renewal of a still acceptable development proposal that raises no new issues, the material considerations of which have not changed.

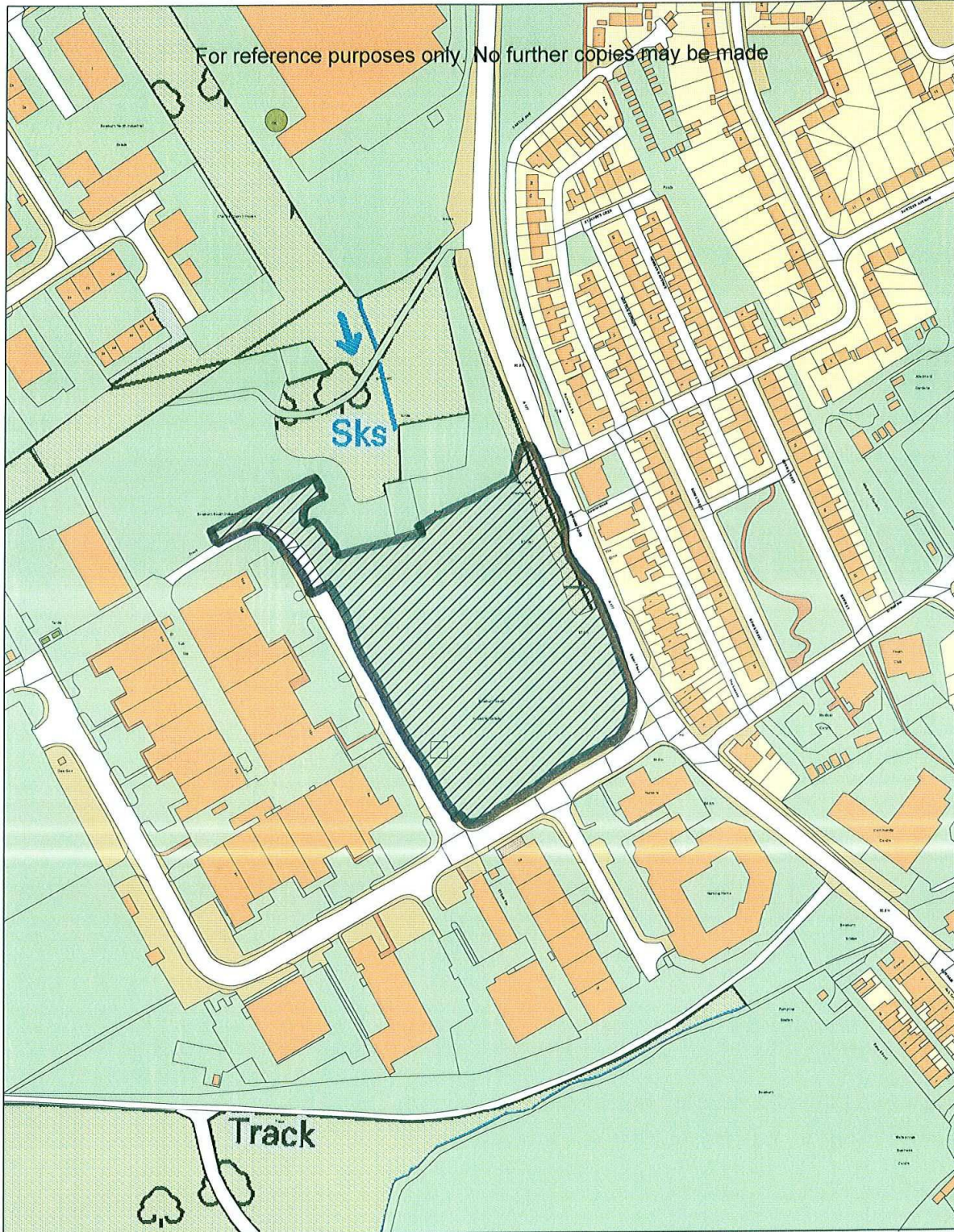
3. No objections have been raised to this proposal by any party.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Supporting geotechnical and flood risk assessment
Planning Policy Statements / Guidance, PPS1 and PPS4
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Response from Highway Agency, Highway Authority and Parish Council



For reference purposes only. No further copies may be made



Planning Services

4/11/00040/OUT

Land adjacent to entrance of South Bowburn Industrial Estate

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Comments

Date

25 March 2011

Scale

1:2500



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/11/00050/FPA

FULL APPLICATION DESCRIPTION: Application for replacement planning permission 4/07/01220FPA (erection of 14 no. industrial units including vehicular access and parking) to extend time period for implementation

NAME OF APPLICANT: Northern Trust Company Ltd

SITE ADDRESS: Land to north of Oakway Court
Littleburn Road
Meadowfield
Durham

ELECTORAL DIVISION: Brandon

CASE OFFICER: Andrew Inch, Senior Planning Officer
(0191) 31 8745, Andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises an open greenfield site extending to some 0.79ha and which is located at the southern end of Littleburn Industrial Estate. To the north of the site is an existing plant hire business occupying a two-storey pitched roof building, while immediately to the south lies Oakway Court, a development of 12 no. small single storey business units. Further undeveloped land lies to the west, while to the east is an existing factory. A number of semi-mature trees and vegetation bound the southern edge of the site, and while the site itself is relatively level it is set above the road level.

2. Planning permission is sought to erect 14 no. small business units, with a total floorspace of some 2818sqm together with associated site access parking provision and service areas. The site will be laid out such that there will be two blocks situated along the northern and southern site boundaries with a central access and parking area (54 spaces, including 9 disability spaces). The buildings are to be constructed of facing brickwork to front and side elevations with the remainder in horizontal and vertical composite cladding in various shades of grey and blue. The buildings are intended for uses falling within Classes B1, B2 and B8 of the Use Classes Order, these being offices, general industry, and storage and distribution uses.

3. Although an application to replace an extant permission, the extent of the development proposed is such that it constitutes major development and is therefore referred to Committee for determination.

PLANNING HISTORY

4. Planning permission was granted for 14 no. industrial units in March 2008.

PLANNING POLICY

5. 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 4: Planning for Sustainable Economic Growth outlines the Government's objectives to help achieve sustainable economic growth including the positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.

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

Planning Policy Guidance note 14: Development on Unstable Land, explains the effects of land instability on development and land use and the responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process.

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

Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice that are material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.

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>

6. 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 signalled 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. The following policies are considered relevant:

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.

*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>*

7. LOCAL PLAN POLICY:

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

Policy T1 (Traffic Generation – 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) state that the layout and design of all new development should take into account the requirements of all users.

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

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

Policy Q7 (Industrial and Business Development) seeks to promote an attractive image of the District and thereby stimulate inward investment through the provision of well-designed buildings which are appropriate to their designation.

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

8. STATUTORY RESPONSES:

The Highway Authority raises no objection to the application.

The Coal Authority considers that the content and conclusions of the geotechnical report and coal mining search report are sufficient to meet the requirements of PPG14, and raise no objection but recommend a detailed informative.

Northumbrian Water Limited raises no objection to the application.

9. INTERNAL CONSULTEE RESPONSES:

There have been no internal responses.

10. PUBLIC RESPONSES:

The application has been publicised by way of both press and site notices and no representations have been received.

11. APPLICANTS STATEMENT:

The proposed development will provide 14 industrial units within Meadowfield to compliment the existing employment opportunities within the area.

The proposed units will be appropriate to this location and will provide good quality, flexible accommodation for small and medium sized businesses. This will serve to enhance the employment offer within Meadowfield and provide opportunities for new businesses to start-up, grow and expand.

Northern Trust are committed to providing new employment opportunities and the development at Oakway Court will compliment the existing commercial floorspace within the area and the portfolio Northern Trust operate and manage throughout the UK (currently in the region of 8 million sq ft of industrial and commercial floorspace).

Therefore, the proposed development will provide additional job opportunities and represent a positive contribution to the growth, development and regeneration 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=11/00050/FPA> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

12. Extensions to the time limits for implementing extant planning permissions was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, and is a measure introduced to make it easier for developers and Local Planning Authority's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

13. In introducing this recent procedure, DCLG has published associated guidance, *Greater flexibility for planning permissions*, which advises that in assessing such applications, local authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for an extension of the time period for implementation will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are advised that in making decisions, attention should be focused primarily on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

14. In this case, whilst the Policies saved in the City of Durham Local Plan 2004 remain in force as they did at the time of granting of planning permission in March 2008, the development plan now includes the Regional Spatial Strategy for the North East (RSS), which was adopted in July 2008. Whilst the weight of the RSS has been called into question recently, given the undoubted intention to abolish regional strategies, it is nonetheless considered to carry significant weight as part of the development plan. The proposed scheme, whilst remaining consistent with relevant Local Plan Policies, would also be consistent with the strategic approach to development set out at Policies 4, 7 and 24 of the RSS in terms of the provision of employment opportunities to strengthen the economy. Where the scheme would not demonstrate consistency with the RSS is in respect of Policy 38, Sustainable Construction, and the requirement for the scheme to secure at least 10% of its energy supply from decentralised and renewable or low-carbon sources. DCLG guidance advises that if appropriate, different conditions could be imposed or some conditions could be removed, for example, in order to make the scheme acceptable in the light of new policies. It is considered therefore, that the introduction of a condition requiring the submission of details to meet the requirements of Policy 38 would ensure the scheme is consistent with that policy as well as the aims of PPS22, and therefore acceptable in planning terms.

15. Other relevant material considerations include the statutory consultee role of the Coal Authority. The application site falls within a defined Coal Mining Development Referral Area, on the basis that there are coal mining features and hazards within and surrounding the application site. At the time of the original application, the scheme was accompanied by a detailed geoenvironmental appraisal, and is now in addition accompanied by a Coal Mining Search Report. Whilst there has been some underground mining on the site at a shallow

depth, the appraisal identified a significantly larger rock cover than the seam thickness, and that the coal mining legacy does not pose a significant risk to the development. The Coal Authority shares these conclusions and raises no objection to the proposals, finding that the approach is entirely consistent with PPG14 and the requirements placed upon applicants to demonstrate that land is suitable for development.

CONCLUSION

16. In conclusion, the proposed industrial units remain compliant with relevant Local Plan Policies and subject to the introduction of an additional condition relating to sustainable construction, fully consistent with the RSS which has been adopted since the original planning permission was granted. The proposed units are therefore considered to be acceptable in their context and will further assist in the improvement and overall quality of Langley Moor/Littleburn Industrial Estate and encourage inward investment in the area.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. 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 permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policies EMP8 and Q7 of the City of Durham Local Plan 2004.
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 EMP8, Q3 and Q7 of the City of Durham Local Plan 2004.

7. All surface water runoff shall be collected before it reaches the adopted highway. Reason: In the interests of highway safety in accordance with Policy T1 of the City of Durham Local Plan 2004.

8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity. Reason: Reason: In order to minimise energy consumption and to comply with RSS Policy 38 and Policy U14 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The application proposes to extend the life of an extant planning permission, and in view of the limited changes in the thrust of the development plan or any other material considerations to indicate otherwise, the development is considered to be acceptable and in accordance with Policies EMP8, T1, T10, Q1, Q2I Q3, Q5 and Q7 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 4, 7, 24 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.

2. The mains issue considered related to the substantive material differences of the development plan in terms of the introduction of the RSS in the intervening period and the requirements relative to sustainable construction, as well as issues of land stability.

3. There have been no objections to the proposals.

BACKGROUND PAPERS

Submitted Application Form

Plans submitted with 07/01220/FPA

Coal Mining Search Report

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

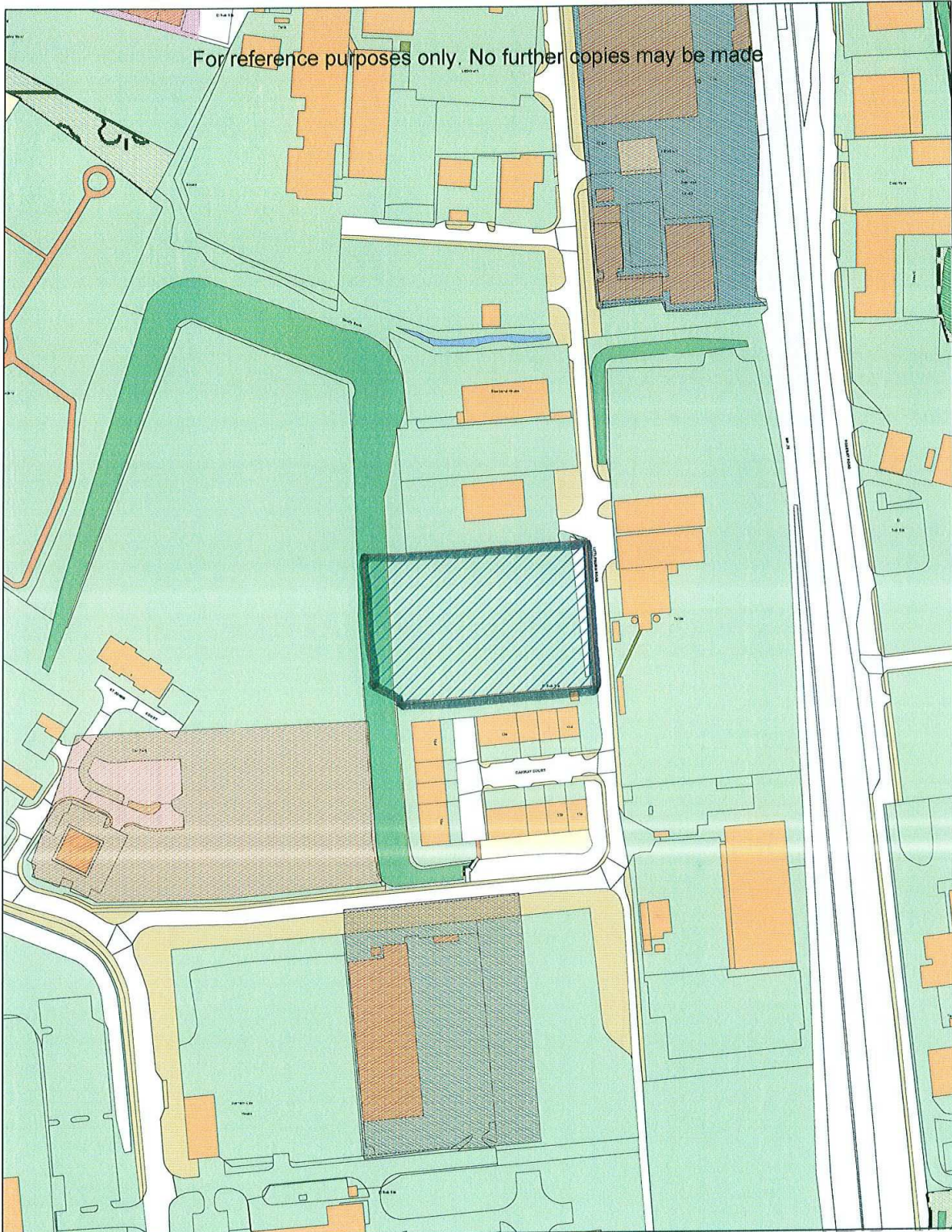
City of Durham Local Plan 2004


Planning Policy Statements/Guidance: PPS1, PPS4, PPG13, PPG14, PPS22 and PPS23

Responses from Highway Authority, Coal Authority and Northumbrian Water Limited



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		4/11/00050/FPA Land To North Of Oakway Court, Littleburn Road	
Comments			
Date	29 March 2011	Scale	1:2500



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/11/00095/FPA

FULL APPLICATION DESCRIPTION: Application seeking new planning permission to replace extant permission 08/0080/FPA (demolition of existing public house and erection of 16 no. dwellings) in order to extend time period for implementation

NAME OF APPLICANT: Mr A Davison

SITE ADDRESS: Former Red Oak Inn, Lowland Road, Brandon, Durham

ELECTORAL DIVISION: Brandon

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 the site of the former Red Oak Inn, a recently demolished public house which comprised a range of flat and pitched roof brick built buildings, together with self-contained residential accommodation. The site itself extends to some 0.41ha and benefits from a main frontage onto Lowland Road. The northern and eastern boundaries abut public open space, while along the southern boundary there is an existing bookmaker's office and public footway, with a relatively recently residential development beyond that. A large area of hard surfacing exists at the rear of the building which itself is occupied by a large telecommunication antenna. The site lies within a designated local shopping centre and within the settlement limits for Langley Moor, Meadowfield and Brandon.

2. This application seeks a new planning permission to replace an extant planning permission granted in April 2008 for the erection of 16 no. dwellings comprising of a two-storey apartment block of 6 no. units fronting Lowland Road each with two bedrooms, and 10 no. four bedroom dwellings of two and a half storeys located behind, all of which would be served off the existing site access. The telecommunication antenna would be removed from the site.

3. Although an application to replace an extant permission, the extent of the development proposed is such that it constitutes major development and is therefore referred to Committee for determination.

PLANNING HISTORY

4. Planning permission 08/00080 was granted in April 2008 for the erection of 16 dwellings.

PLANNING POLICY

5. 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>

6. 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 signalled 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. The following policies are considered relevant:

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 local targets, major developments should secure at least 10% of their energy supply from decentralized 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>

7. LOCAL PLAN POLICY:

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

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

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

Policy S5e (Local Centres - Brandon) 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 R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy 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.

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

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

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

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

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

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

The above represents a summary of those policies considered most relevant in the 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

8. STATUTORY RESPONSES:

The Highway Authority has no objection to the proposals as there has been no change in circumstances.

9. INTERNAL CONSULTEE RESPONSES:

The Senior Low Carbon Officer commends the content and recommendations for the submitted Energy Statement.

10. PUBLIC RESPONSES:

The application has been publicised by way of press notice, site notice and individual letters to some 23 neighbouring properties.

There have been no representations received.

11. APPLICANTS STATEMENT:

The Project

Erection of 16 no. dwellings on site of former Red Oak Inn, Lowlands Road, Brandon.

The Scheme

Following the closure of the Public House, the land has remained unused and derelict.

The proposal is to erect 16 new dwellings on the site, providing modern family homes and apartments. They will be built to the latest high thermal standards and incorporate new technologies in sustainable heating/services.

This will turn a derelict site into a modern, new environment for families to live.

*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=11/00095/FPA>)
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

PLANNING CONSIDERATIONS AND ASSESSMENT

12. Extensions to the time limits for implementing extant planning permissions was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, and is a measure introduced to make it easier for developers and Local Planning Authority's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

13. In introducing this recent procedure, DCLG has published associated guidance, *Greater flexibility for planning permissions*, which advises that in assessing such applications, local authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for an extension of the time period for implementation will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are advised that in making decisions, attention should be focused primarily on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

14. In this case, the development plan comprising the Regional Spatial Strategy and the City of Durham Local Plan 2004 remain in force as they were at the time planning permission was originally granted, and in full accordance with the appropriate policies in terms of loss of community facilities and impact on surrounding residential properties. The principle of the development therefore remains acceptable. Similarly, the site, save for the demolition of the public house, has not changed and neither has its surroundings in the intervening three year period.

CONCLUSION

15. It is considered therefore that it would be entirely appropriate to extend the life of the planning permission in order to facilitate the implementation of a sustainable residential development. Accordingly, approval of the application is recommended. The extant planning permission requires the developer to enter into s106 agreements by planning condition in relation to contributions in lieu of on-site provision of open and play space and in relation to public art. In line with best practice, however, it is appropriate that these matters are now dealt with by way of a formal planning obligation. A unilateral undertaking has been submitted to deal with such matters, and the conditions to which the replacement planning permission would be subject, are amended to reflect this.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation and 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 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.
3. Development shall not commence until details are submitted in writing to the Local Planning Authority demonstrating the means by which the scheme will include 10% renewable energy

generation in accordance with the methods and options outlined in the *Initial Energy Statement* (North Energy, February 2008). Development shall thereafter take place in accordance with the agreed details. Reason: Reason: In order to minimise energy consumption and to comply with RSS Policy 38 and Policy U14 of the City of Durham Local Plan 2004. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

4. 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 Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

6. 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 Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

10. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied. 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.

REASONS FOR THE RECOMMENDATION

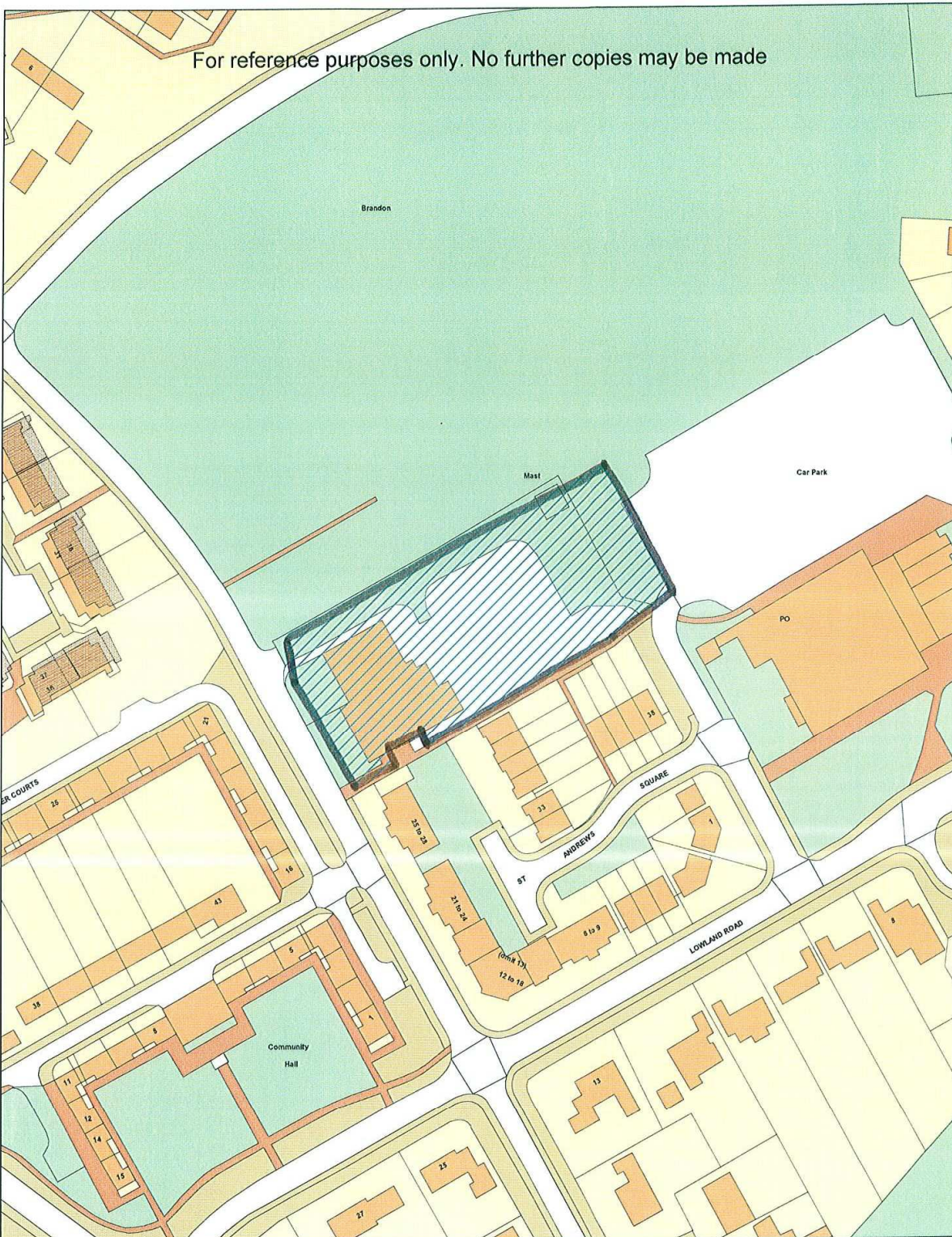
1. The application proposes to extend the life of an extant planning permission, and in view of the limited changes in the thrust of the development plan or any other material considerations to indicate otherwise, the development is considered to be acceptable, and where its affects upon interests of visual amenity, residential amenity, highway safety and drainage have been judged acceptable and in accordance with Policies H3, H13, T1, T10, Q3, 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 4, 7, 24 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. The mains issue considered related to the substantive material differences in terms of the development plan and the site's surroundings in the period between permission previously being granted and the time of assessment.
3. There have been no objections to the proposals.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Supporting Planning Statement
Environmental and Energy Statement
Design and Access Statement
Planning Policy Statements/Guidance 1,3, 13 and 22
Regional Spatial Strategy for the North East
City of Durham Local Plan 2004
Responses from Highway Authority and Low Carbon Section
Various File Notes and Correspondence



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 Planning Services	4/11/00095/FPA	
	Red Oak, Lowland Road, Brandon	
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	Date	29 March 2011



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00109/FPA
FULL APPLICATION DESCRIPTION:	Erection of detached pitched roof garage at rear of existing dwelling
NAME OF APPLICANT:	Mr M Fearn
ADDRESS:	2 Lancashire Drive, Belmont, Durham, DH1 2DE
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Colin Harding, Planning Officer 0191 3018712, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site relates to a compact semi detached bungalow property in a residential area of Belmont. The property is west facing and backs onto an area of open space. To the south of the property runs a footpath.
 2. It is proposed to erect a detached garage to the south of the property, which would be set back to the rear of the bungalow. The garage would measure 6.7m in length and 3.1m in width. It would be 2.1m to eaves and the ridge of the pitched roof would measure 3.3m in height.
 3. The application is being reported to committee as the applicant is a Durham County Council employee working within the Regeneration and Economic Development directorate.
-

PLANNING HISTORY

4. 97/00573/FPA - Erection of detached garage – Approved 20.10.1997 – This consent appears not to have been implemented, or if it was, the garage has since been demolished.
-

PLANNING POLICY

5. 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.

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>

6. REGIONAL SPATIAL STRATEGY:

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. The following policies are considered relevant:

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

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>

7. 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 Generation – General) states that planning permission will not be granted for development which would be detrimental to highway safety

Policy T10 (Parking – General Provision) 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

8. STATUTORY RESPONSES:

The Highway Authority raises no objection.

9. INTERNAL CONSULTEE RESPONSES:

None.

10. PUBLIC RESPONSES:

None.

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=11/00109/FPA> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

11. 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 garage, its impact upon the residential amenity of nearby occupiers and its impact upon highway safety.

Issue of Scale and Design

12. 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.

13. In this instance it is considered that the proposed garage is of an appropriate scale and design and would be located in a logical position. The garage is domestic in scale and reflects the design of the existing property. The location of the garage towards the rear of the plot is appropriate and maintains the overall appearance of the dwelling.

Impact upon Residential Amenity

14. 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.

15. The host property benefits in being well separated from neighbouring properties, within the garage being located on the southern boundary, furthest from nearby houses. The garage would be mainly visible from the public footpath that runs to the south of the application site. Accordingly, no harm is likely to result in respect of impact upon residential amenity, so meeting the objectives of Policy Q9 of the Local Plan.

Impact upon Highway Safety

16. The Highway Authority raises no objection to the application with the house retaining a driveway of adequate length in order to serve the garage. It is therefore considered the proposal should not compromise highway safety.

CONCLUSION

17. It is considered that this proposal represents a form of development that is appropriate in scale and design to the application site that will 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 11th February 2011. 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.

REASONS FOR THE DECISION

1. The proposed detached garage is considered acceptable having regard to policies Q9, T1 and T10 of the City of Durham Local Plan 2004.

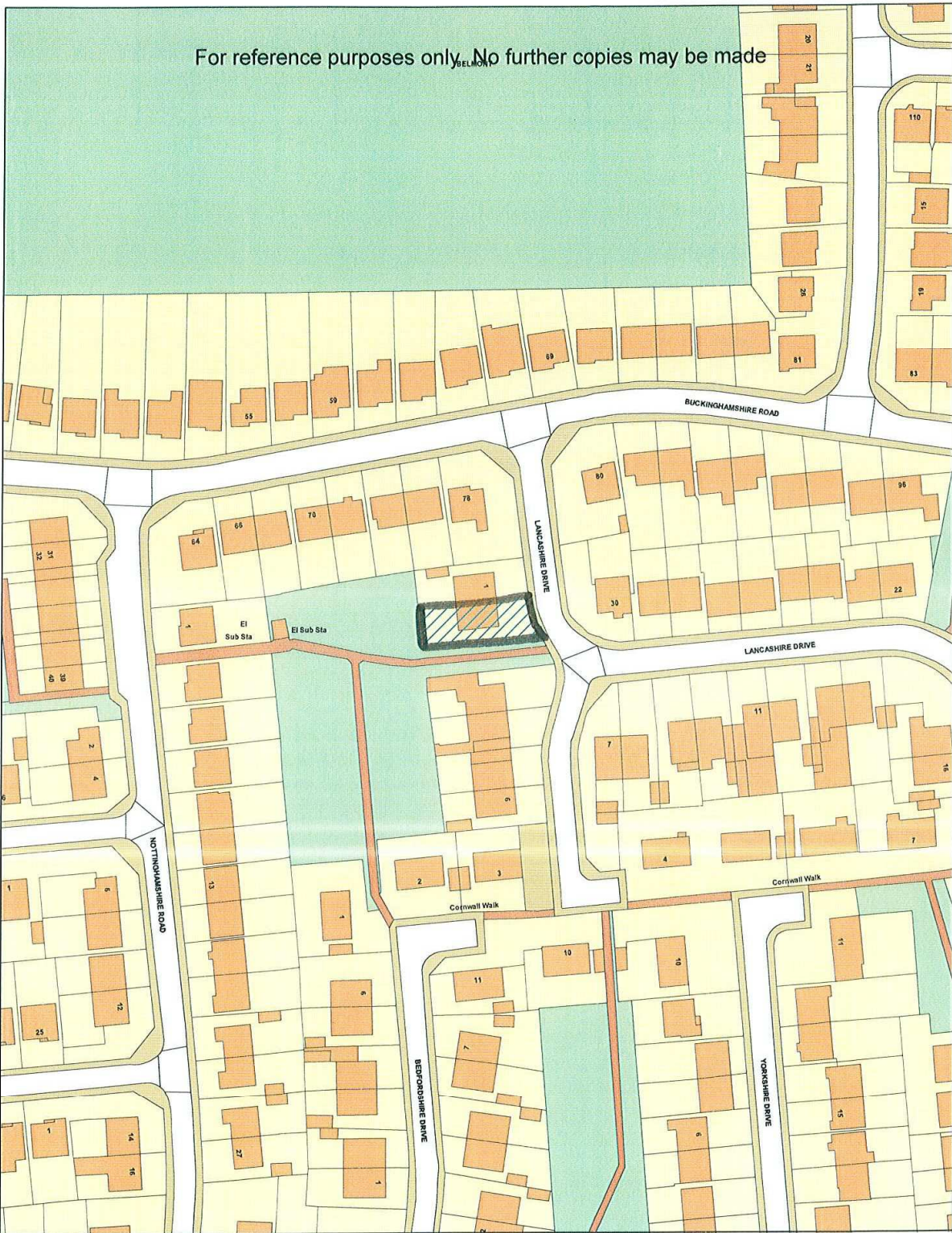
2. In particular the development was considered acceptable having regard to consideration of issues of scale, design, impact upon residential amenity and highway safety.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Planning Policy Statement 1
North East of England Plan - Regional Spatial Strategy to 2021 (RSS)
City of Durham Local Plan 2004
Responses from Highway Authority



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4/11/00109/FPA

2 Lancashire Drive, Belmont

Comments

Date

31 March 2011

Scale

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Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. DECISIONS RECEIVED:****Appeal by Mr G Crammen****Site at Weems Farm, Mickle Hill Road, Hesleden, TS27 4PY****Planning Reference PL/5/2010/0359**

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

The inspectorate dismissed the appeal and agreed with the Council's recommendation.

The Inspectorate considered that 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 matter is currently being discussed with the applicant in relation to enforcement action and members will be advised of the outcome in due course.

Recommendation:

That the report be noted.

Appeal by Mr K Singh**Site at 104 Edenhill Road, Peterlee, SR8 5DE****Planning Reference PL/5/2010/0409**

An appeal was lodged against the Council's refusal of planning permission for the change of use from retail (A1 Use Class) to a Hotfood Takeaway (A5 Use Class).

The Inspectorate allowed the appeal and permission was granted subject to conditions relating to timing of works, compliance with approved plans, hours of operation, means of extraction and ventilation and refuse collection.

The Inspectorate considered that the development was acceptable and that the proposed change of use would not cause any significant harm to living conditions of the occupiers of nearby dwellings in terms of odours, noise or disturbance, and would not conflict with saved policies. Moreover, given the existing mixed use of the parade including A5 uses and flats, and the appellant's un-refuted argument that the premises have been vacant for some time, it was considered sufficient to warrant a departure from local plan policy.

Recommendation:

That the report be noted.

**Appeal by Sea and Land Power and Energy Ltd
Site at Land to the North West of Hawthorn Village, and south of Murton and Cold
Hesledon, Hawthorn
Planning Reference- PL/5/2009/0357**

An appeal was lodged against the Council's refusal of planning permission for the erection of two wind turbines and associated infrastructure.

The appeal was dismissed and the Council's decision upheld.

The Inspectorate noted that the proposal would contribute energy from a renewable source without any significant harm to the character or appearance of the landscape. There would be no significant impact on heritage assets in the vicinity or protected species. Subject to conditions, there need be no unacceptable impact on the living conditions of local residents through noise and disturbance, or shadow flicker. Similarly, there would be no significant impact upon highway safety or any of the other factors raised. On the other hand however the visual impact of the proposal would have a significant detrimental effect on the living conditions of residents of Hillcrest, Plum Tree Lodge and the East Moor Estate.

Due to this adverse impact upon the visual amenity of these properties the appeal was dismissed.

Recommendation:

That the report be noted.