



Area Planning Committee (Central and East Durham)

Date Tuesday 10 May 2011
Time 1.00 pm
Venue Council Chamber - Easington Locality Office, Seaside Lane, Easington

Business

Part A

1. Minutes of the Last Meeting held on 12 April 2011. (Pages 1 - 6)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central & East Durham).
 - a) PL/5/2011/0118 - The Phoenix, Stockton Road, Seaham, SR7 0HJ. (Pages 7 - 12)
Installation of ATM Machine, Service Door and Bollards.
 - b) PL/5/2011/0106 - Peterlee Parachute Centre, Shotton Colliery, DH6 2NH. (Pages 13 - 22)
15M Telecommunications Pole, 6 No. Antennas and Associated Equipment.
 - c) PL/5/2011/0073 - Land at Mill Hill, Peterlee. (Pages 23 - 30)
Extension of Time Limit for Implementation of Planning Permission Ref No. PLAN/2008/0102 for Industrial Units (B1, B2 and B8 Use) Including Small Retail Unit (Outline).
 - d) PL/5/2010/0581 - Lake Lane Stables, Moore Terrace, Shotton Colliery. (Pages 31 - 38)
Variation of Condition No. 2 of Planning Permission Ref No: Plan/2007/0536 for Change of Use to Mixed Use as Stable Yard(Authorised) and Caravan Site for Stationing of Three Residential Caravans with Associated Works (Surfacing of Yard, Repairs to Boundary Wall/Fencing) for Occupation By Single Traveller Family.

- e) 4/10/839/FPA - Unit 9 (Former Allied Carpets) Durham City Retail Park, McIntyre Way, Durham, DH1 2RP. (Pages 39 - 50)

Use of Unit 9 for A1 retail including sale of cosmetics, pharmaceutical products and ancillary chemists products including food products from 5% of net sales floorspace.

- f) 4/11/072/FPA - Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ. (Pages 51 - 58)

Proposed erection of two storey garden workshop/storage building with tarmac driveway, 1.8m rear garden wall and double gates.

- g) 4/11/127/FPA - Land off Wylam Terrace, Coxhoe, Durham. (Pages 59 - 68)

Replacement planning permission to extend time limit of approval 4/07/999/FPA – erection of 12 no. dwellinghouses with associated access and landscaping.

4. Appeal Update. (Pages 69 - 70)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

Part B

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

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

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

28 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

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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, County Hall, Durham on **Tuesday 12 April 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors A Bell, J Blakey, G Bleasdale, P Charlton, S Iveson, R Liddle, J Moran, M Plews (Vice-Chair) and K Thompson

Apologies:

Apologies for absence were received from Councillors J Bailey, J Brown and D Freeman

Also Present:

A Simpson (Development Control Manager - Durham City Area Office), N Carter (Solicitor - Planning and Development), B McVicker (Highways Officer) and P Nicholson (Committee Services Officer)

1 Minutes of the Last Meeting held on 8 March 2011.

The minutes of the meeting held on 8 March 2011, were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest (if any).

Councillor Blakey declared a personal interest in Application No. 4/11/00040/OUT as a Member of Cassop Cum Quarrington Parish Council. However, she had withdrawn from the meeting room and had not taken part in any consideration by the Parish Council of application 4/11/00040/OUT.

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

3a 4/11/00036/FPA - 1 Louisa Terrace, Witton Gilbert, Durham, DH7 6QS.

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 explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

The Development Control Manager advised the committee that an objector had withdrawn his objection but had later asked for his objection to be re-instated which raised 15 points on highway safety, details of which were given at the meeting as they were not contained in the body of the report.

The Development Control Manager also sought Members approval for an additional condition to be included to remove a section of the fence to improve visibility.

Members sought clarification on whether the fence would be fully removed or graduated. The Development Control Manger confirmed that the removal of the fence would be a short length or a reduction in height. Members agreed to the extra condition.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report and the inclusion of the under-mentioned condition.

“Notwithstanding the information shown on the submitted plans, prior to the construction of the vehicular access hereby approved the closest 1 metre section of the western boundary fence to the highway must be dismantled and removed from the site. Reason: To improve visibility in the interests of highway safety having regards to Policy T1 of the City of Durham Local Plan 2004.”

3b 4/11/00040/OUT - Land Adjacent to Entrance of South Bowburn Industrial Estate, Bowburn, Durham.

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 4/11/00050/FPA - Land to North of Oakway Court, Littleburn Road, Meadowfield, Durham

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.

3d 4/11/00095/FPA - Red Oak, Lowland Road, Brandon, Durham, DH7 8NN.

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 completion of a Section 106 Obligation and to the conditions contained in the report.

3e 4/11/00109/FPA - 2 Lancashire Drive, Belmont, Durham.

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.

4 Appeal Update.

Appeal Decisions

Details in relation to the following appeals, which had been considered by the Planning Inspectorate were given:

- (i) **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 was currently being discussed with the applicant in relation to enforcement action and members would be advised of the outcome in due course.

Councillor Bell raised concerns with enforcement action in particular if it would result in most of the building having to be taken down.

The Chairman advised the Committee that the applicant could appeal against the enforcement action.

The Development Control Manger (Durham City Office) advised the Committee that Officers would be in discussion with the applicant to reach a compromise that would find an acceptable solution to reduce the impact of the extension.

**(ii) 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 had been vacant for some time, it was considered sufficient to warrant a departure from local plan policy.

**(iii) 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.

Resolved: That the report be noted.

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

The Chairman sought Members views on the continuation of the meetings commencing at 1.00 pm on a permanent basis.

Resolved: That all Meetings of the Area Planning Committee (Central and East Durham) be held at 1.00 pm.

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Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION NO:	PL/5/2011/0118
FULL APPLICATION DESCRIPTION	INSTALLATION OF ATM MACHINE, SERVICE DOOR AND BOLLARDS
NAME OF APPLICANT	TESCO STORES LTD
SITE ADDRESS	THE PHOENIX, STOCKTON ROAD, SEAHAM SR7 0HJ
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Laura Hallimond 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to the former Phoenix Public House, situated on one of the main roads through the town of Seaham. The property is currently undergoing a conversion from a public house to general store (A1 Use Class) by Tesco's. This change of use does not require any formal planning consents and is classified as 'Permitted Development'. Due to this the Authority does not have any control over the change of use of the public house to A1 Use Class and how this is implemented.

Proposal:

- 2 Full planning permission is sought for the installation of an ATM machine, service door associated with this machine, and the erection of bollards at the site. The ATM is to be positioned on the eastern elevation of the property with the service door adjacent to this. The proposed door is to be painted grey and will have a spy hole and will be in view of CCTV at the site. The ATM will be installed within a secure 140mm block wall lined with ply mesh and finished with a concrete roof to achieve well in excess of 15 minutes of protection against attack. In addition to the built in security measures 3 no. anti-ramraid bollards will be erected in front of the ATM, these will measure 0.9m in height.
- 3 The application is brought before the Planning Committee at the request of County Councillor E Bell due to concerns relating to traffic generation and highway safety.

PLANNING HISTORY

PL/5/2011/0117 External alterations, formation of shop front and pitched roof over flat roof- Pending

PL/5/2011/0119 Illuminated and non-illuminated projecting and fascia signs- Pending

PL/5/2011/0120 Installation of 2 No. Fan condensers, 3 No. Air conditioning units and timber security fencing and external chiller unit- Pending

PLANNING POLICY

4 NATIONAL POLICY:

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

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

5 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

6 STATUTORY RESPONSES:

Parish Council- was consulted on 4 April 2011. No response was received.

7 INTERNAL CONSULTEE RESPONSES:

Highways Section- raises no objections

Environmental Health Section-were consulted on 7 April 2011. No response was received.

County Councillor E Bell- Expresses concerns regarding the potential dangers from traffic using the store. It is considered that due to the ATM's location next to the existing Post Office and their ATM, that the adjoining car park is already very congested and used as a turning area. In addition the area is utilised by parents picking up children from the

neighbouring primary school. Concerns are also expressed in relation to the increased usage of the site compared to the previous use as a public house. Details regarding the proposed footfall and vehicular traffic to the site are requested.

8 PUBLIC RESPONSES:

The proposal was advertised by means of a site notice and by letter to 49 neighbouring properties within the area. At the time of the completion of this report no letters of representation have been received in respect of the above development.

9 APPLICANTS STATEMENT:

The ATM is proposed at the left hand side of the main elevation of the unit contained within the existing brick wall. The ATM will be monitored by a Dome security camera positioned above it and increased lighting levels will be provided in the vicinity to enhance security via a bulkhead light installed above the ATM. The ATM will be positioned to allow ease of use by disabled persons.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=113237> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations in the determination of the application are:-

- ❖ Impact upon residential amenity
- ❖ Impact upon visual amenity
- ❖ Highway implications

10 Impact upon Residential amenity

It is considered that the proposed development would not give rise to adverse impact upon residential amenity within the surrounding and wider area setting given the distance to the site from the nearest dwelling and also its location within the application site. The ATM would be located on the elevation of the premises facing the main road, away from the majority of residential properties in the immediate vicinity. Whilst it is acknowledged that there is an existing residential property above the High Colliery Post Office, there is already an ATM associated with this property and as such it is not considered that current levels of amenity at the site would be impacted upon to a significant degree. To the nearest residential property there is a distance of over 35 metres and this is further mitigated by the B1432 which intersects between the two. As such it is considered that the proposal would have minimal impact upon residential amenity at the site.

11 Impact upon visual amenity

It is considered that due to the design of the ATM and its location within the application site, the proposed development would not give rise to adverse impact upon visual amenity within the area. The ATM would be located within the existing general store complex and would be a feature that could be expected on a development of this nature. Its design and appearance would be in keeping with the proposed shop front alterations. Furthermore as previously stated there is already an ATM at the neighbouring Post Office and as such it is not considered that it would be out of keeping with the area.

12 Highway Safety

The issue of highway safety and increased traffic has also been raised in relation to the proposed installation of an ATM at the site. Whilst it is acknowledged that this may increase traffic generation to the site, there is a very large car park associated with the general store and the premises are located within a sustainable location in terms of bus stops and walking routes. In addition whilst the bollards are in place for anti-ramraid protection they would also deter persons from parking to the frontage and to utilise the car parking to the rear. The Highways Authority has been consulted as part of the application process and raise no objections to the proposed works.

In relation to the overall traffic generation at the site and use of the existing car park, as raised by County Councillor Bell, the change of use from public house to retail constitutes 'permitted development' in planning law, specifically the Town and Country Planning (General Permitted Development) Order 1995. This means planning permission is not required from the Council purely for the change of use of the premises. The site is currently the subject of four planning applications for various works, namely external alterations/shop front, air conditioning and chiller units, ATM cash machine and external signs. None of these works, either individually or collectively, would have sufficient implications for traffic to justify refusal of planning permission. It is noted that the Highway Authority has not objected or raised any concerns about this proposal. Whilst the Councillor's concerns about increased traffic at the site are understandable, it is not within the remit of the Council as Local Planning Authority to control this in relation to the use of the premises.

CONCLUSION

- 13 As a result it is considered that the proposed ATM and associated works are in keeping with the design, character and appearance of the existing property and will not have a detrimental impact upon the amenities or highway safety of the surrounding area or wider setting. It is therefore considered that the proposed development is acceptable and accords with the District of Easington Local Plan, in particular Policies 1 and 35.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No.Design and access statement, F9D10-096 A(00)41 Rev A, Bollard details, 18 No. Photographs of the site, lighting details, F9D10-096 A(00)40 Rev A, F9D10-096 A(00)04, F9D10-096 A(00)07, F9D10-096 A(00)42 and F9D10-096 A(00)43 all received 22 March 2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development

2. In particular the development was considered acceptable having regard to consideration of issues of residential and visual amenity and impact upon Highway safety.

BACKGROUND PAPERS

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



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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0106
FULL APPLICATION DESCRIPTION	15M TELECOMMUNICATIONS POLE, 6 NO. ANTENNAS AND ASSOCIATED EQUIPMENT
NAME OF APPLICANT	VODAFONE LTD
SITE ADDRESS	PETERLEE PARACHUTE CENTRE , SHOTTON COLLIERY DH6 2NH
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to an area of land near the entrance to the access road for Shotton Airfield adjacent to Shotton Industrial Estate. There are two existing masts in the surrounding area, a T-Mobile Mast located 26metres to the south east of the proposed development site and a Vodafone mast situated within the haulage depot at Shotton Colliery Industrial Estate some 140 metres away.
- 2 To the north of the application site lies Shotton Airfield and to the east Shotton Industrial Estate. Both to the west and south there are residential properties and further west lies Shotton Primary School.

Proposal:

- 3 Vodafone has been served with a Notice to Quit their existing site at the Haulage Depot therefore they have stated that there is an urgent requirement to find an alternative site to ensure the continuation of existing coverage.
- 4 The proposed development relates to the installation of a radio base station consisting of the installation of a 15m monopole with 3 no. 2G antennas and 3 no. 3G antennas above to a maximum height of 17.3m and 2 no. 300mm transmission dishes. It is also proposed there would be two equipment cabinets which would house the operator's apparatus sited to either side of the pole.

- 5 As part of the application documentation has been submitted to show that these telecommunication proposals are designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission of Non-Ionising Radiation Protection (ICNIRP) as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300GHz).
- 6 The application is being presented to Committee in response to a request from Local County Councillor Todd following concerns being raised to him by local residents on health grounds.

PLANNING HISTORY

None relating to application site.

PLANNING POLICY

7 NATIONAL POLICY:

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

Planning Policy Guidance 8 (PPG8) gives guidance on planning for telecommunications development - including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

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 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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

CONSULTATION AND PUBLICITY RESPONSES

9 STATUTORY RESPONSES:

Parish Council – No comments received

Ministry of Defence – No safeguarding objections to this proposal.

10 INTERNAL CONSULTEE RESPONSES:

Environmental Health – No comments to make in relation to the proposed development.

11 PUBLIC RESPONSES:

The development has been advertised by means of a site notice and neighbour notification letters. There have been two letters of objection received from a neighbouring resident and the doctors surgery concerned about health, suitability of site, cumulative impact and property values.

12 APPLICANTS STATEMENT:

The proposed telecommunications base station is a replacement site for an existing telecommunications mast (located at the far east corner of the adjacent haulage depot cell: 4829), which is subject to a Notice to Quit by the site provider for redevelopment purposes. Therefore Vodafone will soon be unable to use this telecommunications base station which currently provides both 2G and 3G coverage to the surrounding industrial/commercial and residential area. The replacement site is required to ensure the continuation of these existing telecommunications services to the area. The operator therefore needs a replacement base station which remains as close as possible to the existing notice to quit site, so as to replicate the existing coverage as far as possible. The coverage plots submitted with this application, clearly show the existing 2G and 3G coverage from the base station 4829, which is soon to be decommissioned, and the proposed 2G and 3G coverage from the replacement site. These plots illustrate that the existing coverage will be retained if the proposed base station is installed. If the Council considers it necessary the applicant would be happy for a condition to be attached to any planning permission stating that the existing mast must be removed within 3 months of the proposed mast being installed and fully integrated and commissioned into the network.

It is noted that there is a 17.5m high slim-line pole which is operated by T-Mobile and Hutchison 3G (LPA ref: PL/5/2009/0500) to the south east of the proposed site and therefore the principle of telecoms development in this area has already been accepted by the Council and is an established telecommunications site. The sharing of this structure has been discounted for several reasons. Firstly, this base station is already being shared by two operators. If Vodafone were to share this mast it would not be possible to utilise the same structure and would be contrary to Policy 6.3 paragraph 6.35 'Control of Large Telecommunications Development' of the Easington District Local Plan. It would have to be significantly redesigned to a bigger, taller mast to accommodate all 3 operators. This would make the mast much more prominent in the streetscene than the proposed replacement mast and therefore this option was discounted for this reason. Furthermore, whilst the application is a proposed single build for Vodafone, they have joined a strategic partnership with O2 to share each others structures and whilst O2 do not need the installation at the present time this is mainly because they have not drawn up their requirement plans for this area as yet. However, it is anticipated that within the next few months O2 will be looking to share this site with Vodafone. The proposed replacement Vodafone mast would be able to accommodate both operators, O2 and Vodafone, without the need for any change in

design. If the existing structure were to be utilised within a few months this structure would need to accommodate 4 operators further increasing the need to redesign the structure to an even bigger, taller mast further increasing its bulk and prominence in the streetscene. In addition, as T-Mobile and Orange have merged, Orange may well look to share this structure in the future as well which would mean 5 operators on one structure. Such a structure would have to be very large, significantly more so than the proposed mast or the existing mast already in situ, in order to fit all the operators equipment on it and such a design may well not be available to the operators to utilise.

The site is located in a concentration of industrial development where there are two telecoms masts which have become established parts of the streetscene. This industrial area forms a break to the residential properties to the south. The proposed installation will replace one of these existing masts, the Vodafone column located some 130m east of the application site. Unless this site at the haulage yard is replaced, there will be a material loss of existing 2G and 3G service, entirely contrary to paragraphs 6.33 and 6.34 set out under Policy 6.3 Other Communications of the Easington District Local Plan. The proposed design is similar to the existing masts already in situ, with the antennas positioned in an open head frame at a centre line height of 16.62m and 16.65m so that they will clear the nearby building clutter and trees and provide their required coverage to the industrial, residential and commercial areas situated in and around the surrounding area. The antennas at the top of the column are as slim as possible in order to fit both 2G and 3G antennas within the same structure and meet their coverage requirements. The proposed base station cannot be located any closer to the existing T-Mobile/Hutchison 3G mast to the south east as the operator is proposing to locate their antennas at the same height as the existing monopole. Any closer and the antennas would interfere with each others reception. The choice of design and its location adjacent to an industrial estate where there are existing pieces of street furniture including street lights, telegraph poles, flood lights, brick walls, industrial buildings, trees and bushes and an existing 17.5m telecoms mast in height will mitigate the visual impact of the installation within the streetscene and justify proposing such a development in this location.

With regards to health concerns, the government is clear in its advice in PPG8 paragraph 98 that *'it is the Government's firm view that the planning system is not the appropriate mechanism for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if the proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects or concerns about them'*. The application submission includes the ICNIRP Certificate confirming the proposed facility to be compliant with the guidelines. On health and safety matters, Vodafone as a Code System Operator takes advice from UK and international bodies such the Health Protection (HPA) formerly the National Radiological Board (NRPB), the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and the World Health Organisation (WHO). These bodies are responsible for evaluating research and developing health based guidelines within which a variety of radio wave technologies operate. This includes television and broadcast radio as well as mobile phones and their associated base stations. The exposure guidelines Cornerstone installations conform and operate to, are produced by ICNIRP and expressed in the EU Council recommendation 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields. Below the ICNIRP guidelines, there is no substantiated evidence that suggests that mobile phone base stations pose a threat to health.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=11314>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations that are relevant to this application are;

- Planning Policy
- Site sharing
- Health Considerations
- Siting and design
- Representations

13 Planning policy: -

The Government's general policy on telecommunications is described in Planning Policy Guidance Note No. 8 (PPG8) - 'Telecommunications' which seeks to facilitate the growth of new and existing systems.

Local Planning Authorities are advised by PPG8 not to question the need for the services which a proposed development is to provide and are encouraged to respond positively to telecommunications development proposals, especially where the proposed location is constrained by technical considerations, while taking account of the advice on the protection of urban and rural areas in other planning policy guidance notes.

In terms of the Local Plan the proposal would not be seen to have an adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of the adjacent land or buildings in accordance with policy 35. This will be discussed in more detail in the following subsections of the report.

14 Site sharing: -

The Government encourages mast and site sharing where appropriate. Operators are required to provide evidence to suggest to Local Planning Authorities that they have carefully considered the use of existing masts, buildings and other structures before seeking to erect any new mast regardless of size. The applicants have provided such information.

Members may recall that there is a T-Mobile mast situated some 26 metres south east of the proposed development site that was approved at a planning committee meeting in December 2009. There is also an existing Vodafone mast situated some 140 metres away within the haulage depot. Vodafone has been served a Notice to quit the existing site therefore they require a replacement mast. If approval is granted they have suggested that a condition is applied stating that the original Vodafone mast shall be removed within 3 months of the new development becoming operational.

The agent has provided information to support why the existing T-Mobile mast cannot be utilised. This mast is already shared by two operators therefore it would have to be significantly redesigned to accommodate all 3 operators. This would result in a bigger, taller mast meaning a much larger and therefore more prominent structure. Although the current proposal is for a single operator, Vodafone has joined a strategic partnership with O2 to share each other's structures. Whilst O2 do not currently need the installation it is anticipated that within the next few months they will be looking to share this site with

Vodafone. The proposed replacement Vodafone mast would be able to accommodate both operators, O2 and Vodafone, without the need for any change in design.

If Vodafone were to share the existing T-Mobile structure not only would it require a major redesign now, if O2 looked to share the site within a few months this structure would need to be reviewed again to accommodate four operators. It is considered that this would further increase the need to redesign the structure to an even bigger, taller mast and it is considered that this would have an adverse impact on the street scene. In addition, as T-Mobile and Orange have merged, Orange may well look to share this structure in the future. It is not considered that it would be feasible for potentially five operators to share the same mast without significant redesign of the mast as the existing mast would increase in height and bulk in order to accommodate the required equipment. The developers have opted not to pursue this option as they considered that the resulting structure would have a detrimental impact upon the area.

Following the Notice to Quit the existing site there is a requirement for a new proposal to ensure the continuation of the existing coverage, and the search area for a replacement site is significantly restricted. Vodafone therefore sees the chosen site as the one that provides the optimum environmental solution, taking into account their technical and operational requirements.

It would be preferable for the proposed development to combine with the existing Vodafone mast. However, given the existing Vodafone mast would be removed, that site sharing with the existing T-Mobile mast would result in a larger bulkier mast and that the development would help to ensure existing coverage levels are maintained it is not considered that a refusal could be justified on these grounds. Furthermore given that the development is unobtrusively sited, that it is set back from the road and that it is largely screened from view due to existing buildings and vegetation it is not considered that the proposed mast would adversely affect the appearance of the area.

15 Health considerations: -

Applications for Telecommunication Installations are often contentious and objections are made on various grounds. Particular concerns can be raised regarding the impact on public health of such installations. Accordingly, it is considered appropriate to address this issue for Members' information.

In response to growing concerns from the general public the Government commissioned the 'Independent Expert Group on Mobile Phones' to examine the impact of telecommunications apparatus on health. Sir William Stewart chaired the Commission and the report was published in May 2000.

The Stewart Report encouraged mast sharing and recommended that as a precautionary approach the International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the National Radiological Protection Board (NRPB) guidelines.

In respect of base stations the Stewart Report concluded that 'the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases.'

The Group recommended a precautionary approach comprising a series of specific measures to the use of mobile technologies until we have more detailed and scientifically robust information on any health effects.

For example PPG8 'Telecommunications' states: health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The Government's acceptance of the precautionary approach recommended by the Stewart Group's report 'mobile phones and health' is limited to the specific recommendations in the Group's report and the Government's response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government's view, Local Planning Authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting minimum distances between new telecommunication development and existing development.

It should be noted that the High Court has overturned several appeal decisions where telecommunications development was refused due to the perception of fear against health and well-being of the resident population. The High Court in allowing the development made clear that so long as the development is undertaken in accordance with the ICNIRP standards then it should not be necessary for a Local Planning Authority in processing an application to consider the health effects further.

The applicants have indicated that the proposed telecommunications equipment is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999.

16 Siting and design: -

In seeking to arrive at the best solution for an individual site, authorities and operators are encouraged to use sympathetic design and camouflage to minimise the impact of the development on the environment in terms of not only masts and structures but also materials and colouring. It is considered that the proposed siting and design of the proposed mast are acceptable.

The mast is a slimline monopole and would be located at the entrance to Shotton Airfield access road, adjacent to Shotton Colliery Industrial Estate. The mast is a considerable distance from the nearest residents (approximately 90 metres) and Shotton Primary School (approximately 240 metres) therefore as such would not have an adverse impact on the street scene or residential amenity sufficient to warrant refusal of planning permission.

The mast would be sited within close proximity to an industrial building and an existing mast both of which are coloured grey steel. As a significant part of the mast would be seen against the skyline, a mid grey colour would be appropriate.

17 Representations: -

Letters of objection have been received from a local resident, the medical surgery and the local ward councillor concerned about a number of issues relating to health, suitability of site, cumulative impact and property values. The majority of these issues have been addressed in earlier sections of the report. Property devaluation is not a material planning consideration.

CONCLUSION

18 Local Planning Authorities are advised by PPG8 not to question the need for the services which a proposed development is to provide and are encouraged to respond positively to telecommunications development proposals. It is considered that the applicant has satisfied concerns regarding why they cannot share the existing T-Mobile mast. Overall it is considered that the siting and design of the proposal are acceptable and it should therefore not unduly harm visual or residential amenity. There should not be a negative cumulative impact given that the existing Vodafone mast would be removed within 3 months of the new mast being erected. The applicants have provided information to show that their proposal is in accordance with the requirements of the radio frequency (RF) public exposure guidelines as expressed in EU Council recommendation.

19 Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Declaration of ICNIRP Compliance, Health Effects Information, Design and Access Statement, letters of pre-application consultation, site specific supplementary information, Drg. No. 100, Drg. No. 101, Drg. No. 200, Drg. No. 300, Drg. No. 400, Drg. No. 500 all received 23/03/2011 and supporting technical information received 01/04/2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. Within three months of the approved mast being constructed and brought into use the existing Vodafone mast located at the Haulage Depot in Shotton shall be removed.

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

REASONS FOR THE RECOMMENDATION

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

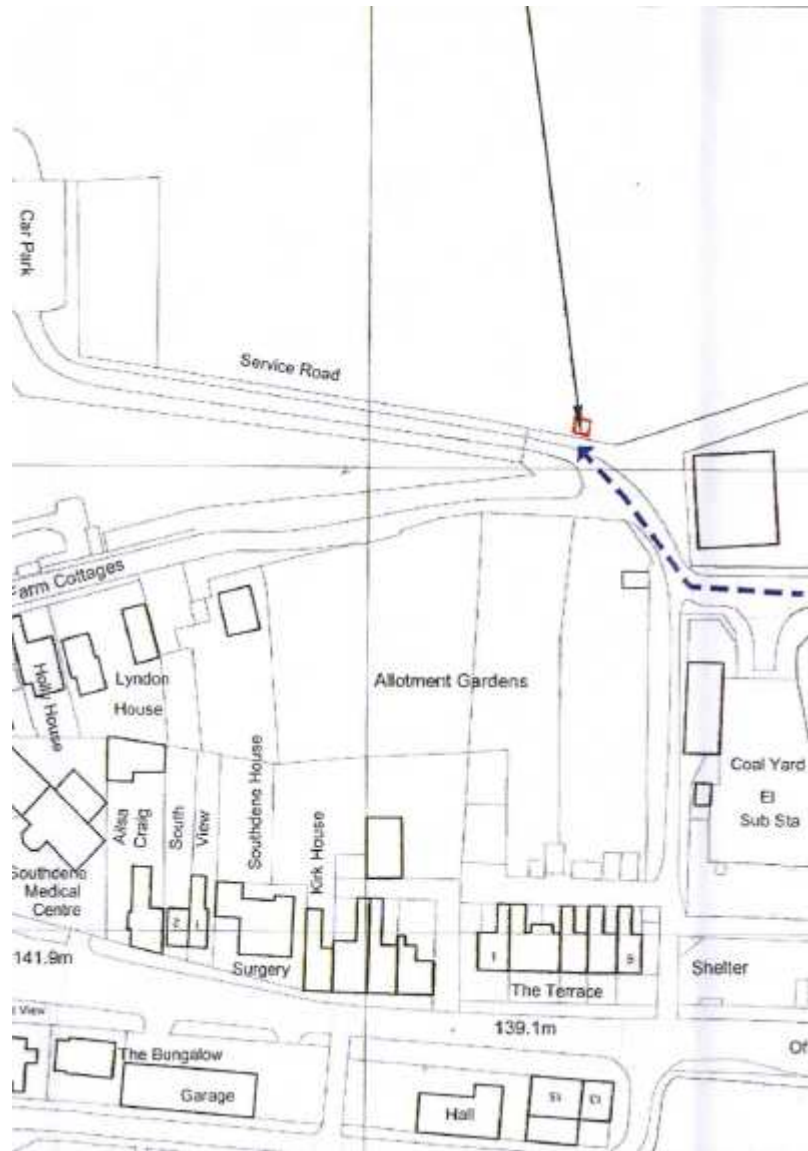
DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of
DISTRICT OF EASINGTON LOCAL PLAN	Development
PLANNING POLICY STATEMENT/GUIDANCE	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPG8 - Telecommunications
	PPS1 - Delivering Sustainable Development

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, site sharing, health considerations, siting and design.

3. The stated grounds of objection concerning health, suitability of site, cumulative impact and property values were not considered sufficient to lead to reasons to refuse the application because the proposed development is considered to be in accordance with both local and national policy. Furthermore, property devaluation is not a material planning consideration.

BACKGROUND PAPERS

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0073
FULL APPLICATION DESCRIPTION	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF NO. PLAN/2008/0102 FOR INDUSTRIAL UNITS (B1, B2 AND B8 USE) INCLUDING SMALL RETAIL UNIT (OUTLINE)
NAME OF APPLICANT	KANS AND KANDY (PROPERTY) LTD
SITE ADDRESS	LAND AT MILL HILL, PETERLEE
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located within the North West Industrial Estate in the northern part of Peterlee. It is situated just off the A19 which runs through Peterlee and is therefore within a key sustainable industrial estate, with good links to both the north and south.
- 2 The site in question is situated on Mill Hill, and is surrounded by occupied industrial units, but is currently a piece of undeveloped land. The land is currently at a lower level relative to the road surrounding it and has sloping banks at its edges which are populated by trees along the northern and eastern edges. The total area of the site is about 2.5 hectares (6.19 acres).

Proposal:

- 3 This application seeks permission to extend the time limit to implement a planning application, which was approved in 2008. The 2008 application secured outline planning permission for B1, B2 and/or B8 uses as well as an ancillary retail unit on the undeveloped land. The proposal was for small to medium units ranging between 65 sq metres (700 sq ft) to 557 sq metres (6000 sq ft) on the northern part of the site with larger units proposed for the rear area. It was expected that there would be trade counters on site, as ancillary to the main use, along with a small scale retail unit.

- 4 The application is reported to the Planning Committee as it constitutes major development based on the proposed floorspace.

PLANNING HISTORY

PLAN/2008/0102 - INDUSTRIAL UNITS (B1, B2 & B8 USE) INC. SMALL RETAIL UNIT (OUTLINE). Approved

PLANNING POLICY

5 NATIONAL POLICY:

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

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

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

6 REGIONAL PLANNING POLICY:

Regional Spatial Strategy for the North East

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 it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

Policy 1 - Strategies, plans and programmes should support a renaissance throughout the North East

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.

Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the

best use of land and optimize the development of previously developed land and buildings in sustainable locations.

Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

Policy 7 - 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 24 - 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.

7 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

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

Policy 105 - Retail development on industrial estates will only be allowed if it is of small scale or relates to the sale of items manufactured on the premises or the same estate where the sale is subsidiary to their manufacture and accords with policy 104.

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

CONSULTATION AND PUBLICITY RESPONSES

8 STATUTORY RESPONSES:

Environment Agency – no objections, informal advice offered

East Durham Business Services – no objections

9 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections

Highways Officer – no objections subject to original conditions being repeated. No need for legal agreement which was required by original approval

Landscape Officer – no objections

Planning Policy – Policy remains largely unchanged, no objections

10 PUBLIC RESPONSES:

The application was advertised by means of press and site notices, and by letters to individual occupiers in the vicinity. No comments have been received as a result of this publicity.

11 APPLICANTS STATEMENT:

I would confirm the site at Mill Hill in its entirety has been actively marketed for several years, both by Sanderson Weatherall & DTZ and now solely by Frew Pain & Partners. You will be fully aware that the downturn within the economy has had an adverse effect on development overall and this site is no exception. Nevertheless there are some positive enquiries within the market place at present which all points towards a recovering market.

It is clear that there are limited sites of this size and location within the area, which once developed can and will attract new investment and job creation into Peterlee.

It is therefore imperative that the application is kept alive to ensure that when the market improves and recovers further that the site can be developed quickly and effectively to completion.

The renewal of this planning permission which is being requested, is not contentious in anyway and would further complement and support existing businesses and uses with the area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=112819>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

This application seeks to extend the time limit to implement an outline planning application which was approved in 2008. As such, the key consideration is whether there have been any significant changes to planning policy that would warrant a different decision being made.

12 Legislative Background

On 1st October 2009, the Department for Community and Local Government brought into force 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.

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 of time 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.

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.

13 Changes in Planning Policy

The circumstances that led to the original planning permission relating to this scheme have not significantly changed, other than the publication of PPS1 Delivering Sustainable Development and PPS4 Planning for Sustainable Economic Development.

The North West Industrial Estate is designated as a General Industrial Area within the Easington Local Plan, where business, general industry and warehousing and distribution are acceptable uses under Policy 53. The primary objective of general industrial areas is to encourage manufacturing industry. The applicant proposes the development of industrial units, all of which are intended to be used for B1, B2 or B8 purposes. Consequently, this application conforms to the objectives of the local plan.

The Policy position remains largely unchanged since the merits of the previous application were assessed. The development of industrial units (within the B1, B2 & B8 use classes) on this allocated employment site is in accordance with the development plan and national planning advice.

The publication of the updated national guidance has led to the requirements for an additional planning condition to be attached to any grant of planning permission (No. 5 below). The additional condition secures the provision of renewable energy on the site.

Notwithstanding the Government's intention to abolish Regional Spatial Strategies, the approach toward sustainable development in the Regional Spatial Strategy for the North East echoes that of national planning guidance and saved Local Plan Policies. In these circumstances, it is considered that the recommendation and decision on this application would not be affected by the current uncertainty over the RSS.

CONCLUSION

- 14 In this instance the circumstances that led to the original planning permission relating to this scheme have not significantly changed. The proposals remain in accordance with planning policy and if brought forward, would bring about economic development in a sustainable location and would lead to the creation of new employment opportunities. Accordingly this application is supported subject to the details previously submitted and agreed in relation to the planning permission Ref PLAN/2008/0102, and subject to the revised set of conditions below.

RECOMMENDATION

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

Conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.
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. Application for approval of reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter 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.
3. The retail premises hereby permitted shall be for a maximum of 50 square metres floorspace and shall not be used for the sale of any goods or items other than food and convenience goods nor for any other activities included in use class A1 as defined in the Town and Country Planning (Use Classes) Order 2005 (amendment) without the prior written consent of the Local Planning Authority.
Reason: To ensure that the development serves the daily needs of workers on the adjacent industrial estates and does not adversely affect the vitality or viability of existing shopping centres, in accordance with policy 105 of the District of Easington Local Plan.
4. The floorspace allocated to particular industrial uses shall not exceed the following: Use Class B1 - 200 square metres, Use Class B2 - 2000 square metres.
Reason: To limit parking requirements in the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
5. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be

incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

6. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site Location Plan submitted with application ref: PLAN/2008/0102, received on 14.2.2008

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

REASONS FOR THE RECOMMENDATION

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

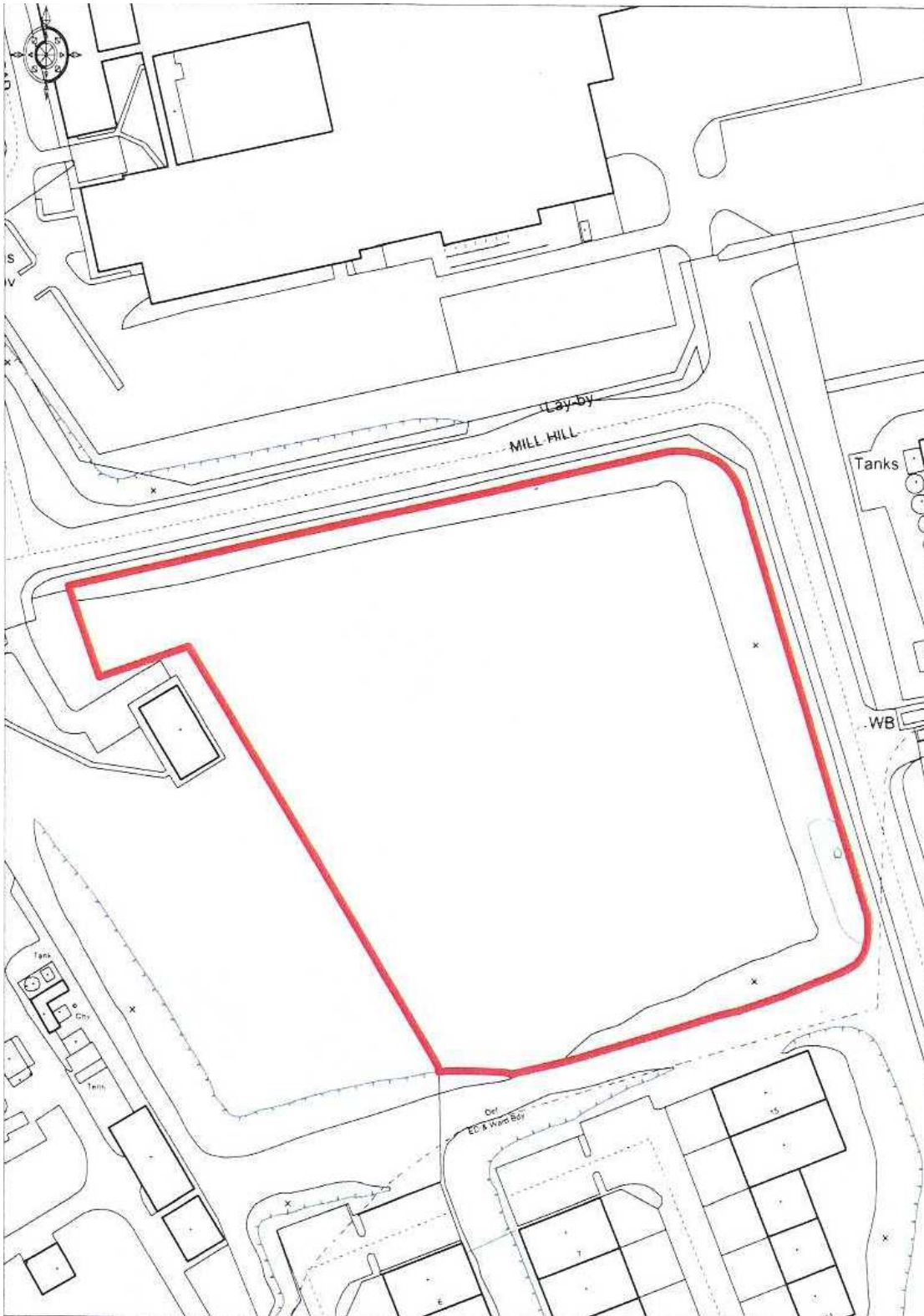
DISTRICT OF EASINGTON LOCAL PLAN
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PLANNING POLICY STATEMENT/GUIDANCE
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ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
IND53 - Existing General Industrial Estates
SHO105 - Retailing on industrial estates
PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
Policy 1 - (North East Renaissance)
Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)
Policy 4 - (Sequential Approach)
Policy 6 - (Locational Strategy)
Policy 7 - (Connectivity and Accessibility)

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, amenity of surrounding occupiers and highway safety.

BACKGROUND PAPERS

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



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0581
FULL APPLICATION DESCRIPTION	VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF NO: PLAN/2007/0536 FOR CHANGE OF USE TO MIXED USE AS STABLE YARD(AUTHORISED) AND CARAVAN SITE FOR STATIONING OF THREE RESIDENTIAL CARAVANS WITH ASSOCIATED WORKS(SURFACING OF YARD, REPAIRS TO BOUNDARY WALL/FENCING) FOR OCCUPATION BY SINGLE TRAVELLER FAMILY
NAME OF APPLICANT	MR AND MRS T J COLLINS
SITE ADDRESS	LAKE LANE STABLES, MOORE TERRACE, SHOTTON COLLIERY
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application relates to a walled compound situated to the south of Shotton. Three caravans are currently sited on this land with associated portable W.C. structures and original buildings linked to the previous use of the land for stables. Vehicular access is gained from Dene Avenue to the north.
- 2 The application site is situated outside the settlement boundary as identified in the District of Easington Local Plan, and is unallocated for any specific land use or development. Therefore, the site is considered to be situated in the countryside.

Proposal:

- 3 Removal of condition 2 of Approval PLAN/2007/0536 is sought. The condition originally only allowed for the use of the site by the applicants family for a period of three years. Permission is now sought for the use of the site by a Gypsy-Travellers family on a permanent basis.
- 4 The three caravans are situated within the existing walled compound, and they provide accommodation for the applicant's family.
- 5 Information has been provided by the agent for the application in relation to the applicants' family status as Irish Travellers, an ethnic group afforded protection under the Race Relations Act. It is argued by the agent for the application that the family's status as Irish Travellers, coupled with the lack of allocated sites for such persons, is justification for the retention of the three caravans on the application site.
- 6 The application is reported to Committee as it is of particular interest to local County Councillors.

PLANNING HISTORY

97/112 – Stables – Refused 17.04.97

97/560 – Stable and Fish Pond – Refused 22.01.98

00/154 – Stable – Approved 29.06.2000

PLAN/2007/0383 – Siting of 3 no. Residential Caravans – Refused

PLAN/2007/0536- Siting of 3 no. Residential Caravans- Approved (temporary permission for three years)

PLANNING POLICY

7 NATIONAL POLICY:

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

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

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

8 REGIONAL POLICY:

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

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 it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

9 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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

Policy 72 - The development of permanent, temporary or transit accommodation for travellers will not be allowed in the Green Belt, the coastal zone or on visually intrusive sites in the countryside. Consideration will be given to distance to local services, access arrangements and amenity of people living and working in the vicinity.

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

CONSULTATION AND PUBLICITY RESPONSES

10 STATUTORY RESPONSES:

Parish Council- Was consulted on 4 January 2011. No response received.

Northumbria Water- raises no objections

Ramblers Association- no response received

11 INTERNAL CONSULTEE RESPONSES:

Public Rights of Way - raises no objections

Highways Section- raises no objections subject to the applicant utilising the Dene Terrace/ Dene Avenue access point.

Planning Policy- raises no objections subject to a limitation on the numbers of caravan utilising the site.

Environmental Health Section- raises no objections

Asset and Property Management- no response received

East Durham Homes- no response received

Traveller Liaison Manager- no response received

12 PUBLIC RESPONSES:

The application was advertised by means of a Site and Press Notice as the proposal affects a Public Right of Way. A further 8 letters of notification were sent to interested parties. No letters of representation have been received in respect of the above development.

13 APPLICANTS STATEMENT:

The applicants have a genuine need for a site. They have strong local connections to the area. The applicant's Gypsy-Traveller status adds a very special dimension to this case. It permits exceptions to be considered on account of the need to facilitate this way of life, because they are a special housing need for which provision has not been made, and because local authorities appear to struggle to find and identify sites within settlement boundaries.

There are material considerations in support of this development. In my opinion there exists very strong justification in support of this application to renew consent on a permanent basis and without any personal occupancy restriction. As there are no plans at present to prepare any site allocation DPD and as the site complies with policy, there is no reason why permanent consent should not be granted with suitable conditions restricting occupation to persons with Gypsy-Traveller Status and a further temporary condition is neither reasonable or necessary. It would therefore fail to comply with the test in Circular 11/95.

As the proposal complies with policy, as there is significant need for more sites in this area and as the case relies on the need to address this shortfall and does not rely on the personal circumstance of the site occupants, there is no justification to restrict occupation to named site residents. Condition 1 which limits occupation to any person with Gypsy-Traveller status in accordance with Para 14 of circular 01/2006 provides adequate and sufficient control over occupancy in accordance with the model conditions on the Planning Inspectorate website.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=112091>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The application site is located to the south of Shotton village, and is situated outside the existing settlement limits as identified in the saved District of Easington Local Plan. The application site is therefore considered to be in the countryside.

Variation of Condition No.2 of planning approval PLAN/2007/0536 is sought for the retention of three residential caravans on the site including associated development. The agent for the application has argued that the retention of the three caravans is justified due to the applicants' Irish Travellers status.

The main issues to consider in determining this application are:

- ❖ National Planning Guidance
- ❖ Saved District of Easington Local Plan Policies
- ❖ Highway Safety

14 National Planning Guidance

Circular 1/2006 contains the most up to date guidance on Gypsy policy and as such carries considerable weight in determining planning applications. The Circular makes clear that areas of countryside not otherwise designated will be appropriate in principle for Gypsy sites and sites on the outskirts of settlements are regarded as acceptable. The general aims of the circular are to increase the number of sites for Gypsy-Travellers by 2009-11.

The information provided by the agent for the application relating to the applicants' family status as Irish Travellers is accepted by the Local Planning Authority, as such it is considered that the proposal to site the three residential caravans on this site accords with the advice contained within Circular 1/2006.

15 Saved District of Easington Local Plan Policies

The relevant local plan policy in assessing this application is Policy 72, which deals with the control of sites for travellers. The policy states that sites for travellers will not be allowed in the green belt, coastal zone, or on visually intrusive sites in the countryside. The Local Plan Policy does, however, allow for sites outside established settlement boundaries providing that: the site is within reasonable distance of local facilities; suitable access can be provided; and, the proposed use would have no detrimental effects on the amenity of people living or working in the vicinity of the site.

With regard to the positioning of the site adjacent to the established settlement boundary for Shotton, it is accepted that the site is within a reasonable distance of local facilities and as such is in keeping with the relevant development plan policy.

The need for additional traveller sites across Durham was found to be significant in a Gypsy and Traveller Accommodation Assessment (GTAA) carried out by White, Young and Green, which informed the 2008 Regional Spatial Strategy. A subsequent County Durham sub-regional study also confirms that there is an urgent need for new sites in the county. At the time of the original temporary permission in 2007 there were no available, suitable sites on which to accommodate the Collins Family and this remains the case.

With regard to whether or not a permanent permission would be acceptable, Circular 1:2006: Planning for Gypsy and Traveller Caravan Sites states that a temporary permission should be granted where there is a reasonable expectation that new sites are likely to become available at the end of that temporary period in the area, which will meet that need. In this case the scheduled date of adoption of a Gypsy and Traveller Development Plan Document for the council is not until 2014, and there would therefore be justification for the variation in the condition to a permanent permission.

The original consent only allowed the site to be used by the Collins Family. Alongside allowing the permanent use of the site the current application also seeks to remove this restriction. As stated previously there is an accepted need for new Gypsy-Traveller sites in the County, as such there is not considered any requirement to restrict the site to use by specific residents. Conditions to ensure the use of the site by Gypsy-Travellers only and to limit the numbers of caravans and activities allowed on site would adequately control the use of the site in the interests of amenity. The site is considered to represent an acceptable

location for the use proposed. The application relates to an existing walled compound and as such the caravans sited on the land are not considered to be visually intrusive.

No letters of representation have been received in relation to this application, and as such subject to the suggested conditions it is considered that any adverse effects that the proposed use may have on adjacent occupants can be controlled.

16 Highway Safety

Highways Authority officers have raised no objections to the proposed development as long as access is provided from Dene Avenue and not Moore Terrace. It is suggested that if planning permission is granted a suitable planning condition is used to ensure this is the case.

CONCLUSION

- 17 In conclusion it is considered that the retention of the three residential caravans on this land is in keeping with the relevant development plan policies. The site is currently occupied by a family of Irish Travellers, a group protected by the Race Relations Act, and afforded rights relating to provision of accommodation sites under circular 01/2006.
- 18 Subject to the suggested conditions it is considered that the future use of the site can be controlled and the amenity of adjacent occupants protected. By allowing permanent permission for the Travellers' site it is not considered that any precedent for future permanent residential development of this site is being established and it is recommended that planning permission be granted with regard to the special circumstances relating to this case.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.
Reason: The Local planning authority would not be prepared to permit siting of a caravan on this site unconnected with gypsies or travellers in accordance with PPS 7.
3. No more than 3 no. caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
Reason: In the interests of public amenity in accordance with policy 35 of the District of Easington Local Plan.

4. No commercial activities shall take place on the land, including the storage of materials.
Reason: In the interests of public amenity in accordance with policy 35 of the District of Easington Local Plan.
5. There shall be no means of vehicular access to the development hereby permitted from Moore Terrace.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

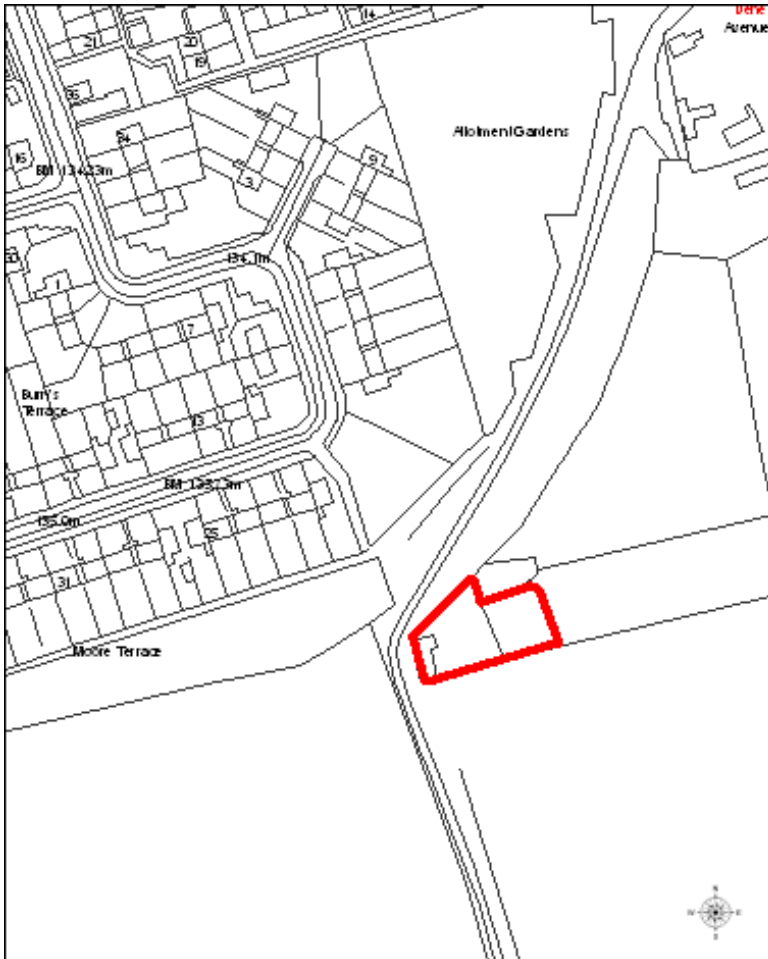
REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU72 - Control of sites for travellers
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, amenity of adjacent occupiers and the special circumstances of the family involved.

BACKGROUND PAPERS

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



Scale : 1:1,250



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/10/00839/FPA
FULL APPLICATION DESCRIPTION:	Use of Unit 9 for A1 retail including sale of cosmetics, pharmaceutical products and ancillary chemists products including food products from 5% of net sales floorspace
NAME OF APPLICANT:	Friends Provident Life and Pensions Limited
SITE ADDRESS:	Unit 9 (Former Allied Carpets) Durham City Retail Park McIntyre Way Durham DH1 2RP
ELECTORAL DIVISION:	Gilesgate
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 relates to a vacant retail unit of some 650sqm located on a modern out of centre retail development known as Durham City Retail Park. The retail park itself is located two miles to the east of the city centre and is bound on its eastern and southern edges by industrial development, and as such forms part of the Dragonville Industrial Estate, this being reflected in its predominantly industrial use land allocation, along with bulky goods retailing, within the Local Plan. To the west are a number of other commercial uses, including car dealerships, while to the north lies the Belmont Community Centre with its associated facilities. The unit itself is located along the southern part of the retail park and is one of the smaller units within the development. It has been vacant since the beginning of August 2009.

2. Planning permission is sought to occupy the unit as an A1 retail shop including the sale of cosmetics, pharmaceutical products and ancillary chemists products including food products from 5% of the net floorspace. The application has been made in this form for reasons of clarity and to restrict any permission to unit 9 rather than if the application were a further variation to the restrictive goods sales condition to which the original outline planning permission was subject and which has been varied on a number of occasions. The goods which the applicant wishes to retail would not comply with the varied condition restricting the range of goods which can be sold from the retail park. No external alterations are proposed.

3. The application is accompanied by a Design and Access Statement and a Planning and Retail Statement. The Planning and Retail Statement has been supplemented by additional information through the course of the applications' consideration.

4. The application is reported to Committee in view of an objection from Belmont Parish Council.

PLANNING HISTORY

5. Outline planning permission (02/00526/OUT) was granted for the Durham City Retail Park following a call-in inquiry in 2003. Two sites to the south along Dragon Lane were also granted planning permission at the same inquiry but neither has since been developed. The retail park itself has been the subject of a number of applications seeking to vary the conditions to which the outline planning permission was subject. Principally these applications have related to variations to the range of goods to be permitted for sale in any retail unit. Such variations have allowed the now long-term occupation of units by Argos (Unit 6) and Sports Direct (Unit 7), for example.

PLANNING POLICY

6. NATIONAL POLICY:

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

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

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

7. REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) 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 intention. The following policies are considered relevant:

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

Policy 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.

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>

8. LOCAL PLAN POLICY:

Policy S1A (City Centre) states that the Council will protect and promote the vitality and viability of all centres in the local retail hierarchy consisting of the city centre, the district centres (Dragon Lane and Arnison) followed by the local centres.

Policy S8 (Retail Warehousing Outlets) permits the sale of a range of goods from a designated part of Dragonville Industrial Estate, provided the use cannot be accommodated in the nearby district centre, would not adversely affect the vitality and viability of any other centre and would not include the sale of goods including food and drink, clothing, sports goods or equipment, shoes, toys and games and toiletries, for example.

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.

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

9. STATUTORY RESPONSES:

There have been no statutory responses.

10. INTERNAL CONSULTEE RESPONSES:

The Planning Policy Section recommended the refusal of the application since it is contrary to Policy S8 of the Local Plan and failed to meet requirements of the sequential test set out in PPS4. Since the submission of additional information they consider the requirements of PPS4 to have now been satisfied and that sufficient material considerations exist which would justify a minor departure from Policy S8 of the Local Plan.

11. PUBLIC RESPONSES:

In response to the application in its submitted form there have been five letters of objection, including one from the Parish Council.

GVA Grimley on behalf of ING Real Estate Investment Management Ltd, owners of The Gates shopping centre in Durham City Centre, has objected to the application in its originally submitted form. They are concerned that a further relaxation of the range of goods which can be retailed on the retail park will set a precedent for further high street retailers to locate on the retail park and one which would compete with rather than complement the city centre offer. They note that a sequential assessment of all in-centre options was not carried out and conflicts with Policy S8 of the Local Plan and Policy EC15 of PPS4. In addition, they note that the applicants have not carried out a full impact assessment which they advise is required for retail development under 2,500sqm which are in an existing centre and not in accordance with an up to date development plan as required at Policy EC16 of PPS4.

Leak Chemist of Belmont object to the application finding that the proposed use would undermine the protection given to the city centre and other retailers when the retail park was given planning permission. Attention is drawn to a number of chemists within 1 mile of the application site and that no further pharmacy provision is needed, and while there is an exemption from the pharmacy licensing regime for pharmacies on retail parks of 15,000sqm or more, there would be undoubted harm to existing pharmaceutical provision.

Additional correspondence was also received from Leak Chemist which drew attention to the County Durham Pharmaceutical Needs Assessment 2010-11 which identified that, 'there is currently enough access to pharmaceutical services within existing provision across County Durham' and further that, 'County Durham has a greater than national average number of community pharmacies per head of population'. They consider this supports their view that existing pharmacy provision will be detrimentally affected.

The occupier of 84 Grange Road, Carrville has objected to the application on the grounds that it would have an adverse effect on local businesses which are already struggling.

Belmont Parish Council object to the application on the grounds that there are already four pharmacies within the neighbourhood and that the relaxation of the range of goods which can be retailed from the unit will have a detrimental effect on existing businesses.

Since the submission of additional information relating to an extended sequential assessment and an impact assessment, a further consultation exercise has been carried out. One letter of response has been received.

Leak Chemist of Belmont further object to the application, noting that there is no need for a further pharmacy, and that although easy to access by car the retail park is not easy to access on foot by the elderly and mothers of young children who statistically require pharmaceutical services more than others. They consider it would inappropriate to risk harming the excellent local pharmacy provision in order to suit Boots' own business model. They disagree with the findings of the revised sequential assessment and note a number of empty properties in surrounding local centres. They dispute the applicant's assertion that a £0.3million trade diversion is insignificant and advise that any reduction in income from trade diversion is likely to seriously threaten the viability of local pharmacies.

They also advise that while trade from prescriptions is a significant part of their businesses, they derive most of their income from the sale of health and beauty products, and that the opening of Tesco, followed by a pharmacy within Tesco has hit local businesses hard and that this proposal would again affect local businesses detrimentally.

12. APPLICANTS STATEMENT:

The application site comprises the former Allied Carpets unit at Durham City Retail Park. The unit comprises 650 sqm (7,000 sq ft) on ground floor. It has been vacant since August 2009.

The planning application proposes the continued use of an existing retail unit for A1 retail purposes but subject to a variation in the range of goods permitted to be sold to allow for Boots to trade from the unit. The planning application does not involve any net additional retail floorspace.

Boots have entered into an agreement with the owners of the Retail Park to occupy the unit subject only to the grant of planning permission. The intention is to commence the fit out of the store in June 2011 and to trade from August 2011.

Boots are already represented in Durham City Centre and other centres within the wider area. The proposed store would be in addition/complimentary to these stores and seeks to respond to, inter alia, the identification of Durham City Retail Park on the NHS (Pharmaceutical Services) Regulations 2005 List of Approved Retail Areas 2010. Boots have confirmed in writing that the proposed store will be in addition to its existing representation and it has no intention of closing any town centre stores. The applicants have gone further and are prepared to enter into a legally binding agreement under S106 to support the Council's Heart of the City Shop front initiatives underlining a commitment to the City Centre as a whole-not just Boots own stores.

The planning application is supported by a Planning and Retail Statement which addressed all PPS4 and other issues as agreed in pre-application discussions. This information was supplemented with further information under cover of our letter dated 6th January and 8th March. These submissions address all matters raised by the Council. The evidence most clearly demonstrates that the proposed Boots store:

- 1) Will not give rise to any material impact on defined centres including on existing pharmacies within defined centres. Moreover, there is clearly no evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in PPS4.

- 2) Following a comprehensive review of opportunities in Durham City Centre and all other centres in the former Durham City area, we have demonstrated that there are no sequentially preferable sites that would be suitable, viable and available to accommodate Boots' retail requirements.

In such circumstances, government guidance is clear that planning applications should be determined by taking account of the positive and negative impacts of the proposal and any other material considerations. Accordingly, we would reiterate the other positive impacts which should be afforded significant weight including:

- 1) The proposals will deliver circa 8 full time and 15 part time jobs in an existing retail unit which has not contributed to employment opportunities within the area for coming up for 2 years.
- 2) The proposals will contribute to meeting the Government's health objectives of enhancing access to pharmacy provision generally and in this location specifically as evidenced by the inclusion of Durham City Retail Park on the latest Approved List of Site for Pharmaceutical Services and most recently the grant by the NHS (North East Primary Care Services Agency) of Boots application to provide pharmaceutical services from the application site.
- 3) The proposals will offer a number of other benefits to shoppers in Durham by increasing choice and access to pharmacy, health and beauty products, etc.

We therefore conclude that the application proposals accords with PPS4 and saved Local Plan Policy. Accordingly, we remain of the view that planning permission should be granted for the proposed development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00839/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

13. The main issue is whether the proposed relaxation in the range of goods which can be retailed from Unit 9 would significantly adversely affect the vitality and viability of the retail centres identified in the retail hierarchy set out at Policy S1 of the Local Plan.

Background

14. By way of background, this application seeks to fulfil an identified exemption to the pharmacy licensing regime which exempts pharmacies located on out of town retail parks of over 15000sqm, as is the case here. The exemption is contained in the National Health Service (Pharmaceutical services) Regulations 2005. The Health Select Committee Report which informed the regulations advised that the Government wanted pharmaceutical services to improve further their accessibility and convenience to customers by locating pharmacies in areas where consumers already go, namely large shopping developments, so as to not undermine the market available to smaller community pharmacies. Furthermore, they must provide the range of services specified by the local Primary Care Trust (County Durham PCT), enabling the PCT to prescribe the type of services it wishes to see provided, for example, in a specific area of pharmacy where provision may be deficient in a locality. It is on this basis that the applicants are applying for Boots the Chemist to occupy unit 9.

Sequential Assessment

15. In support of the proposal, a detailed Planning and Retail Statement has been provided, which, following the identification of flaws in its approach by objectors, has been updated to provide an extensive sequential assessment of all in-centre options (as identified at Policy S1A of the Local Plan) and an assessment of retail impact in accordance with the requirements of Policy EC14 of PPS4. Turning firstly to the sequential assessment, Policy EC15 states that such assessments should ensure that sites are assessed for their availability, suitability and viability, and that all in centre options have been thoroughly assessed. Flexibility in terms of format or disaggregation of parts of the use need only be demonstrated as part of sequential assessment in considering sites in or on the edge of existing centres. The application site is neither in nor on the edge of an existing centre (in retail hierarchy terms), being some distance from and segregated by a busy main road from the Dragon Lane District Centre. The findings of the sequential assessment insofar as the city centre is concerned is that there are three vacant units at the time of the assessment, the first being the former Palladium Cinema building on Claypath, which although vacant is deemed unsuitable by way of its narrow frontage, and its inclusion within a wholesale redevelopment site is such that it would not offer any long-term suitability. A second vacant unit within the Gates Shopping Centre at some 265sqm is significantly below the level of floorspace required by Boots, and is not therefore suitable. At the time of the assessment the third vacant unit was the former Waitrose in the Gates Shopping Centre. However, since the submission of the application this large anchor store of some 2850sqm has been occupied in full by Wilkinson's. There are therefore no suitable, available or viable units within the city centre.

16. In terms of district centres, Boots are already represented at the Arnison Centre, with a pharmacy therein as well as within Sainsbury's, and moreover, there are no vacant units. At Dragon Lane Retail Park there are, similarly, no vacant units available. A full assessment of local centres within the former City of Durham Council area from Esh Winning in the west to Coxhoe in the south east and has identified a number of vacant units ranging from 20 to 80sqm which is significantly below the level of floorspace required by Boots. These units whilst available are certainly not suitable or viable. It is therefore considered that in light of the sequential assessment undertaken, it satisfies the requirements of Policies EC14 and EC15 of PPS4 and Policy S8 of the Local Plan in this particular regard, and addresses the inadequacies of the initial assessment as identified by a number of the objectors.

Impact Assessment

17. Turning now to retail impact, the applicants contend that the requirement for an impact assessment is on proposals over 2500sqm floorspace as set out at Policy EC16 of PPS4. However, notwithstanding this position, they have sought to address the issue of impact, looking at the impact upon existing Boots store, other chemist's stores and other retailers. In terms of the impact upon existing Boots stores, Boots have indicated that the opening of an out of town store has had little or no impact on trade in its town centre stores, and has provided a study from October 2010 which considers a number towns/cities nationwide with dual representation in terms of out of and in town centre locations. The evidence provided indicates that no Boots town centre stores have closed as a result of an out-of-town store opening and indeed, in most cases, the town centre stores have benefited from significant investment. Boots currently operates in 135 towns/cities with dual representation. At a more local level, the impact of the Boots store opening at the Arnison Centre was shown to have had no material effect on trade at either the Market Place or North Road stores, with trade having increased at the latter.

18. In terms of the likely impact of the proposed store on the existing city centre stores, there is unlikely to be a significant impact having regard to the above evidence, however, in order to demonstrate its commitment to the Boots city centre store in the Market Place, for example, it has recently been the subject of significant financial investment of around £280,000 involving works to the store internally and to its shopfront. In order to further demonstrate Boots commitment to ensuring the vitality and viability of the city centre and to meet the aspirations of Policy S8 in terms of promoting and protecting the city centre, they have offered by way of a unilateral undertaking under s106 of the Town and Country Planning Act 1990, to provide a financial contribution of some £20,000 to the Shopfront Improvement Scheme which forms part of the ongoing Heart of the City regeneration project. The match funded scheme will enable funding to be directed towards city centre retail units which would benefit from an enhanced shopfront, and would, in particular, assist such works to shopfronts in the control of charitable or voluntary organisations, of which there are a number, including, for example, the Salvation Army on Saddler Street.

19. The aspect of impact which has given rise to significant objections is upon local pharmaceutical operators, on the grounds that the relaxation of the goods restriction at the retail park would remove the protection afforded to small retailers and the city centre which was a condition of the original planning permission and that there is no need for any further pharmaceutical provision in the area. On the first issue, there is undoubted conflict, acknowledged by the applicants, with the requirements of Policy S8 of the Local Plan in terms of the range of goods which the policy permits. The sale of food and toiletries, for example, are not permitted, but would form part of the proposed use, although the former would be form a very small proportion of the net sales floorspace. The range of goods which can be retailed from the retail park has been varied on two previous occasions, and as a variation of condition, the relaxation applies across the retail park. This application differs insofar as it is an application for planning permission specifically for Unit 9, and any relaxation in retailed goods would apply only to that unit. It would not therefore open the flood gates for other high street retailers to occupy other units in this way.

20. In terms of the impact of a further pharmacy in the local area, objectors consider there to be little need for a further pharmacy, and it would be likely to have a significant impact on three small independent pharmacies. Objectors point to a recent publication by NHS County Durham and Darlington, *County Durham Pharmaceutical Needs Assessment 2010-11*, which identifies that 'there is currently enough access to pharmaceutical services within existing provision across County Durham' and further that, 'County Durham has a greater than national average number of community pharmacies per head of population'. On this issue it is important to consider the distinction between a community pharmacy and the type proposed here. The proposed pharmacy would not be in a community unlike Leak Chemist in Belmont or Clarks Chemist in Cheveley Park which are well-related to a surrounding community and doctors surgeries including Belmont Surgery on Broomside Lane and Cheveley Park Medical Centre on The Links, respectively. The proposed pharmacy is there to provide increased access to pharmacies in areas where consumers already go, like large shopping centres. Moreover, a pharmacy in this location will be accessible to staff from across the retail park as well from the various industrial and commercial uses adjacent. In addition, while the assessment may have concluded that there is sufficient provision, the NHS (North East Primary Care Services Agency) have recently approved Boots application to provide pharmaceutical services from the application site. On this issue, two points arise, in that firstly, the NHS in the North East is not opposed to further pharmaceutical provision, and secondly, that there is a clear distinction between the proposed store and those existing independent retailers.

21. Further evidence on the issue of impact of Boots stores in large shopping centres has been provided with the application. Where any pharmacies have closed, submitted evidence suggests that this was not as a result of the opening of a Boots store; rather it was through retirement or takeovers of chains and subsequent store rationalisation. Therefore, while recognising that local independent stores are fearful for the viability of their stores if the Boots store was to open, there is little evidence to suggest that a material impact on trade will occur. The proposals would not therefore result in demonstrable harm to either the city centre, district centres or local centres, or indeed those independent pharmacies located in an out of centre location and afforded the same policy status and limited protection as the application site.

Other Material Planning Considerations

22. The Government has recently written to all local planning authorities advising of a Written Ministerial Statement by the Minister for Decentralisation, the contents of which should be regarded as being a material planning consideration. Amongst other things, the statement advises local authorities to consider the range of likely economic, environmental and social benefits of proposals; including long-term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity). In this case, the proposals seek to bring about the occupation of a retail unit which has been vacant for some 21 months, whilst creating employment opportunities for 8 full-time staff and 15 part-time staff. At a time when the latest unemployment statistics show a fall in unemployment nationally, there has been a considerable rise in unemployment in the North East (quarter to end February 2011 compared to previous quarter). Furthermore, there has been a rise nationally in unemployment among women who typically account for the greater proportion of part-time workers, noting that the proposed use by Boots would generate some 15 part-time jobs. It is therefore considered to be material that the proposals will bring about job creation at a time of economic depression. This is considered consistent with the approach set out at Policy EC10 of PPS4 which states that local planning authorities should adopt a positive and constructive approach towards planning application for economic development.

CONCLUSION

23. In conclusion, the applicants have demonstrated that there are no sequentially preferable sites available within or on the edge of the identified retail hierarchy, in terms of impact that Boots are committed to their existing provision in the City and have demonstrated commitment to the city centre generally through a financial contribution to shopfront improvements, and that the scale of the business and through evidenced experience of dual representation and impact on local pharmacies that the proposed use would not be to the detriment of the vitality and viability of existing centres. The conflict with Policy S8 of the Local Plan, and the departure that the approval of the application would represent, in terms of the range of goods permitted to be sold from the retail park, is considered to be outweighed by the Governments policy of seeking to ensure greater access to pharmaceutical services in accessible locations like large shopping centres where people already travel to, the need for job creation at a time of economic depression and the opportunity to bring a vacant retail unit back into use. Approval of the application is therefore recommended, subject to conditions to control the goods and services retailed from the premises and that the unit be occupied for the sole benefit of Boots the Chemist, these conditions being considered appropriate to the particular merits of the case made as part of the application, rather than the relaxation of goods able to be retailed being acceptable on the basis of any other pharmaceutical retailer.

RECOMMENDATION

1. That the application be **APPROVED** subject to the following conditions and completion of s106 legal agreement:
2. 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.
3. The premises shall be for the sole occupation of Boots the Chemist and shall not be occupied by any other retailer. Reason: In order to ensure the retail impacts and justification for the permitted use are retained in perpetuity and to ensure accordance otherwise with Policy S8 of the City of Durham local Plan 2004.
4. The use hereby approved shall not commence until a comprehensive schedule of products and services to be offered/provided at the premises has been submitted to and agreed in writing by the Local Planning Authority. The use shall be operated in full accordance thereafter with the agreed schedule. Reason: In order to ensure the range of goods and services offered at the premises is entirely reflective of the justification for the permitted use and to ensure accordance otherwise with Policy S8 of the City of Durham local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. The proposed retail use would bring about the occupation of a prominent vacant retail unit, and where the applicants have demonstrated that there are no sequentially preferable sites available and where the degree of impact that a store of the size and in the location proposed would have limited material impact on the operators existing stores or other local pharmacies. The range of goods to be retailed including pharmaceutical, chemists products and small amount of food goods is however, contrary to Policy S8 of the City of Durham Local Plan 2004. Material considerations outweighing this minor departure and to enable the occupation of single unit, are considered to relate to the re-use of a vacant retail unit, the Government's drive to increase access to pharmaceutical services at large retail centre's like Durham City Retail Park where people already go, and the creation of a number of jobs at a time of continued economic depression.
2. In particular the development was considered acceptable having regard to the specific nature of the intended operations business and their ongoing commitment to their stores in the city centre and the city centre generally.
3. Whilst it is acknowledged that there is local opposition to proposed use on the basis that there will be a significant impact on local pharmacies that will affect their viability, there is little evidence to suggest that this would be the case, and as such, these concerns are considered to be of insufficient weight to outweigh the otherwise acceptable nature of the particular scheme proposed.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Submitted Planning and Retail Statement

Supplementary information received 6 January 2011, 8 March 2011 and 20 April 2011

Design and Access Statement

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

City of Durham Local Plan 2004

Planning Policy Statements 1 and 4, and Planning Policy Guidance note 13

County Durham Pharmaceutical Needs Assessment 2010-11

Responses from Planning Policy Section

Response from Belmont Parish Council

Public Consultation Responses

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 Planning Services	4/10/839/FPA	
	Unit 9 (Former Allied Carpets), Durham City Retail Park	
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	Date	21 April 2011



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00072/FPA
FULL APPLICATION DESCRIPTION:	Proposed erection of two storey garden workshop/storage building with tarmac driveway, 1.8m high rear garden wall and double gates.
NAME OF APPLICANT:	Mr D Carter
ADDRESS:	Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ
ELECTORAL DIVISION:	Neville's Cross
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 semi-detached property on Crossgate Peth which lies within in the western part of Durham (City Centre) Conservation Area and is also subject to an Article 4(2) Direction. The property dates from the early 20th Century and comprises two storeys, constructed of red brick beneath a pitched slate roof. The property has been previously altered but retains a strong aspect of its original character and appearance and provides a positive element to the surrounding street and wider area.
 2. To the rear, the property hosts a large garden which drops steeply to meet The Avenue to the west. The gardens fronting The Avenue are generally heavily planted and maintain a green and leafy character which enhance the setting of the properties, although several of the gardens host detached buildings of various scales and uses. Some also are subject to substantial and not necessarily sympathetic boundary treatments. The rear of no.19 previously hosted a single storey sectional garage which has since been demolished, a tarmac drive has been installed and a retaining wall built. These have been constructed without the benefit of planning permission.
 3. It is proposed to erect a two-storey garden workshop with storage below on the site of the former garage. Associated works to the rear of property involve the installation of 1.8m high wall and gates and a tarmac driveway.
-

4. The proposed workshop would comprise a ground floor store with a workshop above. The building would measure 4.4m in width, 4.2m in depth and 4.7m in height. It would be timber clad with a pitched roof finished either in slate or slate-effect felt. The first floor level would project forward, supported by timber posts. 2no. windows would punctuate the rear elevation and access would be provided at both ground and first floor levels.

5. The application is being reported to committee at the request of Cllr Martin, the local ward member.

PLANNING HISTORY

6. None

PLANNING POLICY

7. NATIONAL POLICY:

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

Planning Policy Statement 5: Planning for the Historic Environment states that proposals for development in Conservation Areas should make a positive contribution to the character, local distinctiveness and significance of the historic environment

8. REGIONAL SPATIAL STRATEGY 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 intention. The following policy is considered relevant:

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.

9. LOCAL PLAN POLICY:

Policy E6 (Durham (City Centre) Conservation Area) states that the special character,

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

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

Policy 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.

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.

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

10. STATUTORY RESPONSES:

The Highway Authority has no objections provided that the gates open inwards and do not obstruct the public highway.

11. INTERNAL CONSULTEE RESPONSES:

The Design and Historic Environment Section object to the proposal. It is not acceptable and would visually harm the appearance of the streetscene by virtue of its position, scale and size and would therefore have a detrimental impact upon the character and appearance of the Conservation Area.

12. PUBLIC RESPONSES:

The City of Durham Trust object on the basis that the documents submitted are unsatisfactory and it is unsure as to what is proposed. The drawings submitted are sketchy and not properly scaled.

It is evident that the proposal stands too high on the plot, which, together with entrance treatment from the street is out of sympathy with other back gardens of Crossgate Peth facing onto The Avenue.

Letters of objection have been received from 5no. nearby properties. There are a number of concerns which can be summarised as follows:

- The level of unauthorised works that have already occurred at the site, namely the demolition of the existing garage, the installation of the retaining walls and tarmac
-

drive and the removal of a Silver Birch Tree.

- The initial lack of a Design & Access Statement which should have accompanied the application
- The lack of detail contained within the plans
- The proposal is not in keeping with this residential street and Conservation Area. The building would out of scale and particularly prominent
- The potential precedent that would be set, potentially opening the door to similar developments elsewhere
- The possibility that the building would be used for non-residential purposes
- The proposed rear wall would not reflect other boundary treatments to the rear of Crossgate Peth and would not provide adequate screening to any vehicle parked at the property
- The reduction of garden space as a result of this development would be contrary to government advice on building in gardens.

A further letter was received from another nearby property and offered no specific objection to the proposals.

13. APPLICANTS STATEMENT:

The aim of this proposal is to provide parking and storage for the needs of my family and for the proposal to blend to the better elements of The Avenue. The combination of brick and timber is in keeping with the main theme of The Avenue.

I have reviewed the comment and objections and my assessment is that change (for the better) is not considered acceptable. I do not share this view but have taken consideration of genuine neighbourhood requests. My family is new to the area and aim to add value to the local area and improve the rear of our house which was unsafe and of poor visual condition.

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=11/00072/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. In accordance with policies E6, E22, 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 building, its impact upon Durham (City Centre) Conservation Area, its impact upon residential amenity levels of nearby occupiers, and its impact upon highway safety.

Works to date

15. It is acknowledged that works have been carried out at the site prior to this application being made. The site lies within a Conservation Area and is subject to an Article 4(2) Direction which means that the demolition of the previous garage, the construction of the

retaining walls, and laying of the tarmac driveway, should all have been subject to the necessary applications prior to the works being carried out. However, the aim of planning enforcement is not to punish but to remedy any breach of control. This application could potentially serve to regularise the site if approved, and must be judged on its own merits and not on the basis that certain works have already taken place.

16. Several local residents have raised concern that the application site in its current form will be taken as the “starting point” for the application. Clearly, the site’s current condition exists, and this is a matter of fact, however some consideration must be given to its previous condition, and the previous structure that it hosted. Having been supplied with photographs of the previous structure which the applicant claims was removed due to its structural condition, it would appear that it was a structure, the removal of which, officers would be unlikely to have sought to resist. Equally, the retaining walls were installed following the removal of the garage as there was a strong risk that the rear garden could suffer landslip in adverse weather conditions. Officers verbally agreed that some form of retention be installed pending the regularisation of the site.

17. This application should be considered on its individual merits, and its approval would serve to bring the site back within planning control, albeit retrospectively. However, the refusal of the application would lead to further deliberations as to how to progress with the site, and may result in further applications for mitigation works, or potentially the consideration of more formal enforcement proceedings.

Principle of development and impact upon Durham (City Centre) Conservation Area

18. 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, whilst Policies E6 and E22 state that works with Durham (City Centre) Conservation Area should protect or enhance its character.

19. Although the application site address is Crossgate Peth, the rear gardens front The Avenue and thus it is the character of this street which is most critical in the consideration of this application. The somewhat unusual arrangement of the bottom end of The Avenue, with properties on the northern side of The Avenue fronting the street directly, whilst the southern side is fronted by the long rear gardens of Crossgate Peth which fall away from those properties which are situated at a higher level. These rear gardens are generally mature and provide a substantial green buffer. However many of the gardens host detached buildings of which some are garages. High rear boundary treatments are prevalent. In particular, no.20 Crossgate Peth hosts a studio at the rear of the rear garden and no.18 a pair of garages.

20. In this context, and with regards to the topography of the site, it is considered that in principle the erection of a dual level detached building would be acceptable. The overall scale of the building is considered to be largely acceptable in both terms of height and width, and by being set into the site its appearance would be recessed somewhat from the street frontage. However, it is still the case that any building would have the potential to appear as prominent in such a location; hence its design and detailing would be key to overall acceptability.

21. It is with regards to this that concerns are raised concerning this particular application. The plans for the building as submitted, although accurate and sufficient for validation purposes, do not contain a high level of detail or context. The elevations exhibit a timber panelling detailing with 2no. small windows in the rear elevation and 2no. small windows in the front elevation plus a shallow pitched roof of either slate or slate effect felt. Beyond this,

few details are available.

22. In basic design terms, the building could benefit from a steeper roof pitch, although this would undoubtedly result in a higher building, and the balance of void to solid with regards to the fenestration detailing could be improved with the addition of larger windows, although this impression may be accentuated by the appearance of the plans, something which is common to the application in its entirety. Essentially, the proposed plans leave too many uncertainties with regards to the final finish and appearance of the proposed building in relation to its context and immediate surroundings. If officers are to support this proposal, then there must be confidence that the resultant development will not harm the character of the Conservation Area, for in such a sensitive location this is especially important. It is considered that the submitted plans do not provide such comfort, and with the preservation of the character of the Conservation Area as required by Policies E6 and E22 of the Local Plan paramount, officers are unable to support this element of the application on this basis.

23. The other elements of this scheme are minor in nature and as a result have a lesser potential to harm the Conservation Area. The 1.8m high wall is considered to be acceptable in principle and would largely reflect the character of the street and wider Conservation Area. Many properties host rear walls and some have fences above. Several of the walls are finished in stone as opposed to brick, but with brick built properties and structures prevalent in the area, the materials palette is generally mixed and a suitable brick would be considered to appropriate here, as would a quality set of timber gates. Equally, the tarmac drive, although not ideal in such a location where a softer material may be more suitable, would be largely screened by the wall and gates, and thus would be considered not to excessively harm the character of the Conservation Area to a great degree in itself.

Impact upon Residential Amenity

24. 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.

25. There is no indication that the proposals in themselves would unreasonably impact upon residential amenity. The building would be visible, particularly from nos. 26 -28 The Avenue. However, little weight can be apportioned to the loss of a view, and no loss of outlook or privacy is considered to ensue. Some concerns have been raised with regards to the potential use of the buildings for non-residential use. The applicant has indicated that the building would be used for domestic purposes only, incidental to the occupation of the host dwellinghouse. Verbal discussions with local residents have suggested that the building may be used for repairing motorcycles, however this would not be unreasonable or require permission in itself, indeed it could have been carried out in the previous garage without the need for planning permission.

26. It is considered therefore that the application would not harmfully impact upon residential amenity and is considered to accord with Policy Q9 of the Local Plan in this regard.

Impact upon Highway Safety

27. The Highway Authority raises no concerns with regards to the proposals, other than to request the gates be inward opening so that they would not obstruct the public highway. This would be possible to secure by condition. The application is thus considered to accord with Policies T1 and T10 of the Local Plan.

Other issues

28. Several local residents have raised the issue of the lack of a Design and Access Statement when the application was first submitted. This has since been rectified and an additional consultation exercise undertaken.

CONCLUSION

29. It is considered that although this proposal would appear in principle to be acceptable, the level of information provided in terms of detailed design and context could result in a quality of development that fails to preserve or enhance the character of Durham (City Centre) Conservation Area, contrary to Policies E6 and E22 of the City of Durham Local Plan 2004. The application is otherwise considered to be acceptable; however the outstanding concerns mean that officers are unable to support the proposals in their current form.

RECOMMENDATION

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

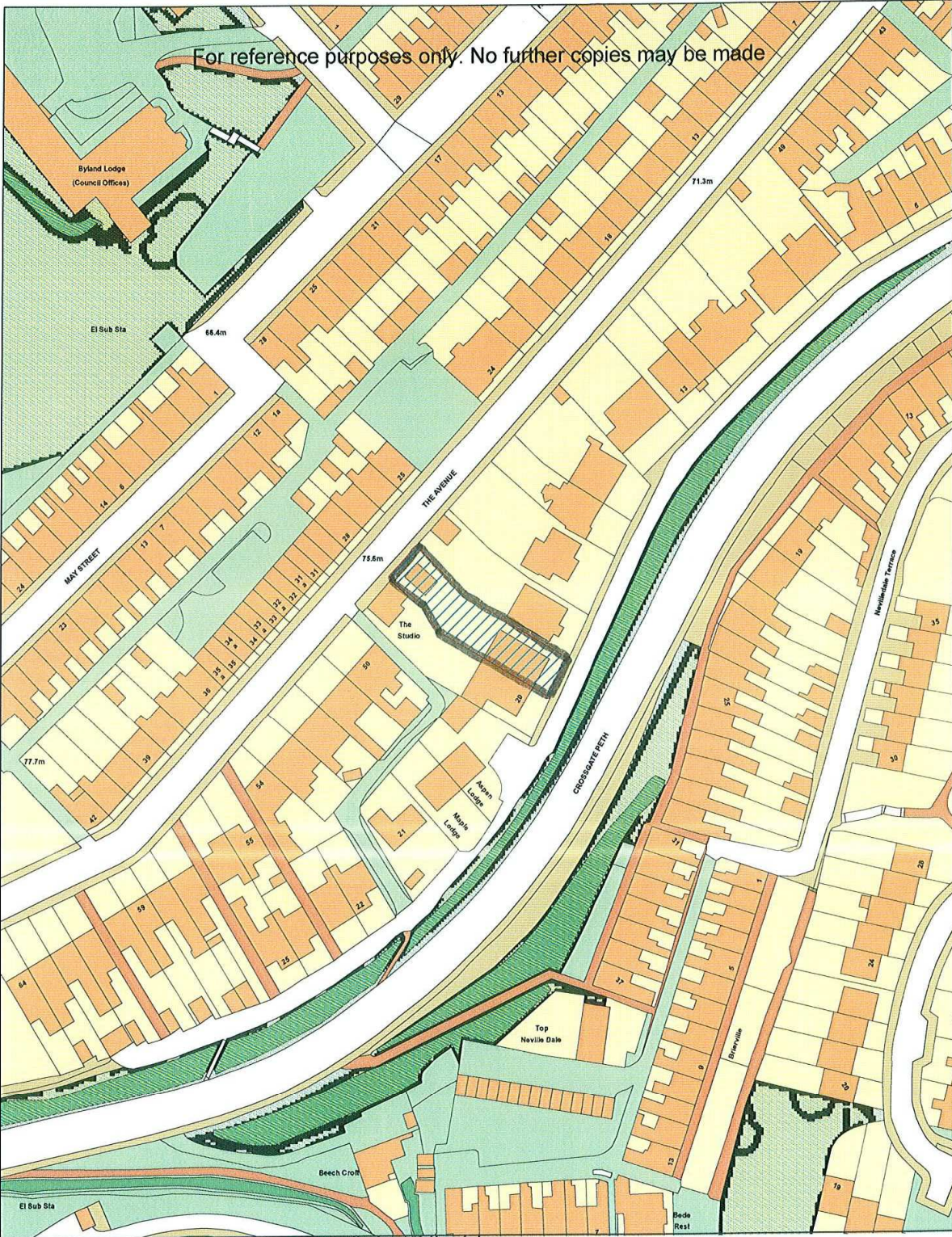
1. The Local Planning Authority considers that the level of detail and quality of the submitted plans are insufficient to determine whether the proposed development would preserve or enhance the character and appearance of Durham (City Centre) Conservation Area, and as result considers the proposals to be contrary to the requirements of Policies E6 and E22 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements 1 and 5
Response from Highway Authority
Response from Design and Historic Environment Section
Public Consultation Responses



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4/11/072/FPA

Gordon Mount, 19 Crossgate Peth

Comments

Date

21 April 2011

Scale

1:1250



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	11/00127/FPA
FULL APPLICATION DESCRIPTION:	Replacement planning permission to extend time limit of approval 4/07/999/FPA - erection of 12 no. dwelling houses with associated access and landscaping
NAME OF APPLICANT:	Moordale (North East) Ltd
ADDRESS:	Land Off Wylam Terrace Coxhoe Durham
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Steve France, Senior Planning Officer 0191 301 8711, Steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. This application seeks to extend the time limit of an approval granted in 2008 for the erection of 12 no. dwelling houses with associated access and landscaping. At that time the site was an amalgamation of areas of former garden/paddock land at the rear of Wylam Terrace, Parkhill, Coxhoe. The site exhibited small domestic garden type structures such as sheds and garages on parts of the land, but mostly grassed, with areas of scrub and trees. A section of land at the eastern side of the site contains numerous trees. The land was in a number of private ownerships. The site has now been cleared and levelled of all structures and vegetation, and is in a single ownership.

2. The principal access to the site is from Westlands, an unadopted road running along the southern boundary, whose maintenance is the responsibility of existing residents. Similarly an unadopted vehicular highway runs along the north-eastern boundary of the site, this forming the back-lane of the residential streets of Wylam Terrace and St Mary's Terrace. The rear elevations of these properties face across the back lane, and in some case small outbuildings, their front elevations facing across the A177 and the current bypass upgrade works. The south east, borders a relatively recently constructed bungalow and garage, which runs parallel with the site, beyond which are the terraced dwellings of Clarence Street and their gardens. Westlands to the south of the site is predominantly bungalows of varying designs. These dwellings are set below the height of the site and the access road to the land falls gently to the south. North west, are a variety of different dwellings at Holmfield Villas, including bungalows and two-storey properties.

3. This application proposes renewal of the permission for the erection of twelve dwellings, with access taken from the communally maintained highway serving Westlands, some dwellings directly, and some from a new cul-de-sac highway serving the development. The proposed dwellings are a mix of bungalows and dormer bungalows, with a 'feature' property at the development's 'entrance'. A small area of communal landscaping is proposed for the centre of the site. It is the nature of this type of application that the applicant has submitted only forms and a location plan, relying on the previously considered application documentation for his submission.

PLANNING HISTORY

4. Outline planning permission was granted in 2004 for the erection of four dwellings on part of the site. A subsequent application in 2006 for the entirety of the site was refused on the basis of the effects the development would have had on the privacy and amenity that existing residents could reasonably expect to enjoy, and that elements of the site were classed as 'greenfield' land, albeit members considered that the residential development of the land had potential, subject to a scheme of an appropriate design, density and layout.

5. As noted above, approval granted in 2008 for the erection of 12 no. dwelling-houses with associated access and landscaping.

PLANNING POLICY

6. NATIONAL POLICIES

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. There is a strong emphasis on design quality and improvement of spaces in this document.

Planning Policy Statement 3: Housing sets out the government's aspirations for the provision of such through the planning system, including the need to create a range of housing types and opportunities, both in terms of type and tenure, to help create balanced, sustainable communities. The preference for the development of brown-field over green-field land is also outlined.

Planning Policy Statement 5: Planning for the Historic Environment, recently published sets out the principals guiding the consideration of applications for consent relating to Heritage Assets and their setting.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13: Transport, seeks to promote more sustainable transport choices, and 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>

7. REGIONAL POLICY

The approved application took into account and gave appropriate weight to the then emerging Regional Spatial Strategy (RSS) in its draft form. The same document is currently in an extended process of being rescinded, and is, given the lack of strategic implication of the proposals, of very limited weight in this case.

8. LOCAL PLAN POLICY:

Policy E5A (Open Spaces within Settlement Boundaries) states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character or to the small scale character of an area, will not be permitted.

Policy E24 (Ancient Monuments and Archaeological Remains) seeks to protect or make provision for survey of archaeological deposits on development sites.

Policy H3 (New Housing Development within the Villages) relates to new housing development within the villages. Windfall development of previously developed land will be permitted in the villages provided that it is appropriate in scale, design, location and number of units to the character of the settlement. Proposals must also not result in the loss of areas which have important visual, functional or environmental attributes that contribute to the settlement's character. Policy H3 also advises that the development of greenfield sites is not normally permitted except in exceptional circumstances. However, the limited development of sites of less than 10 units and under 0.33 hectares in size will be permitted in the coalfield villages most in need of regeneration provided that; there are clear, quantifiable regeneration benefits that will be achieved through the development of small greenfield sites.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states in its criterion 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 which would be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) seeks to limit the amount of vehicle parking off the public highway to promote sustainable transport choices and reduce the land-take of development.

Policy R2 (Provision of Open Space – Overall Standards) 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 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 impacts upon the occupants of existing nearby properties should be minimised and adequate standards of privacy should be provided for new residents. The policy justification text sets out some specific minimum facing distance guidelines.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 on www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

The Highway Authority confirms that subject to the original conditions, there are no material changes to alter their previous advice that the proposals are acceptable.

Northumbrian Water Limited note that the condition relating to foul sewage no longer applies, and should not be re-imposed, but that covering surface water is still required.

10. INTERNAL CONSULTEE RESPONSES:

The Planning Policy Section confirms that with no material changes, their advice remains the same.

The Ecology Section raises no objection.

11. PUBLIC RESPONSES:

One response has been received to the public consultation exercise, from a resident of Wylam Terrace, who considers that windows on the boundary wall of his property are too close to the nearest windows in the proposed development.

12. APPLICANTS STATEMENT

The applicants consider that a new outline planning permission should be granted as the considerations against which the original consent were 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=11/00127/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

13. On 1st October 2009, the Department for Community and Local Government brought into force 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.

14. 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.

15. 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.

16. 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.

17. The previous application had a long gestation period, as the issue of drainage was resolved, with the site effectively 'off the end' of the existing sewage network, and there being a moratorium on extensions to it until the Local Sewage Treatment Works (STW) has been upgraded - a project planned for 2010. The application was originally submitted with a scheme to provide foul drainage by septic tank, which addressed the problem of connection to the sewage network, but raised fears from the residents of the bungalows opposite, whose properties sit at a lower level. An objection was received from the Environment Agency, on the basis of the proximity of a nearby watercourse, and the principle of non-mains drainage in areas served by a sewage network. After much negotiation, Northumbrian Water agreed to honour their previous agreement to accommodate the four properties previously approved, with agreement that the remaining dwellings could be added to the system once the STW upgrade was complete. A condition phasing the development, in line with availability of sewage disposal facilities, was applied to the last approval. Given the passage of time since that approval, Northumbrian Water have confirmed that the condition is now redundant, as the sewage network is now able to accept foul flow. Surface water is still required to be conditioned. Issues of drainage were a prime concern of residents on the last application.

18. The previous scheme generated a number of objections relating to highways matters. While physically served by a metalled access road, the various surfaces on that road indicate it to be beyond the extent of the adopted highway, and within the maintenance responsibility of the various existing residents that front it. The applicant had indicated, from the start, an intention to upgrade this highway to a standard suitable for adoption. The

agreements with those parties currently responsible for its upkeep are outside the remit of a planning application, and an issue the applicants will need to address separately once again if again successful with this application. The Highway Authority indicated that this upgrading is possible, and noted that such works will improve conditions for existing dwellings. The detailed changes they sought as part of their consultation response were addressed by the architect, and this element was seen as a potential benefit from the scheme. The Highway Authority was satisfied with the car parking provision and layout proposed, and have indicated that subject to the condition from the previous approval (no.12) being re-imposed, their view remains the same. The local Ward Member has sought similar assurances.

19. As discussed by the previous Committee Report, the proposed layout is such that the specific relationships between the various units proposed are now considered to meet the guidelines set out in the Local Plan to an acceptable level. The closest residential property, is a large detached residential dormer bungalow at 7 Holmfield Villas, with a second storey of accommodation in that building overlooking the site. Whilst the single storey scale of proposed unit 11 accommodates a bedroom in its roof, with windows omitted from this elevation, with the potential for permitted development rights to be removed in this regard, the relationship is comparable to that of a single storey structure, and considered acceptable. A similar condition to remove permitted development rights for extensions will further maintain the acceptable residential relationships of existing and new properties. The objector to the scheme from Wylam Terrace has windows in an extension that reaches to the back lane. Between his property and the facing single storey dwelling proposed, a standard height garden fence will protect both parties' privacy and amenity.

20. Each of the proposed dwellings incorporates an area of private amenity space, and a small area of communal space has also been provided, which could be included in any calculations for the monies required in lieu of the overall requirement which is to be secured by a S106 Planning Obligation. The development is considered to offer the potential for a high quality characterful development, of a type of residential development rarely offered, representing a mix of detached and semi-detached bungalows and dormer bungalows, complimenting the form of the surrounding neighbourhood in line with the objectives of PPS3. The unusual tower feature at the entrance of the estate divides opinion, but is considered by officers to be an architecturally interesting and attractive feature that would give the development identity.

21. The legal covenant referred to by an objector to the previous scheme must still be addressed separately from the planning system by the developer and his agents.

22. A condition as requested by the County Archaeologist can be re-imposed.

CONCLUSION

23. Officers consider that the scheme represents a potentially positive development opportunity for an area of land that at present does not contribute a positively to the area in which it stands, whilst the type of accommodation proposed, and the upgrade of the highway leading to the site, provide tangible benefits for the community. . The policy relating to new development in the villages encourages the use of previously developed land, and in villages such as Coxhoe allows the development of greenfield sites of less than ten units where there are clear and quantifiable regeneration benefits.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Planning Obligation and 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. 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: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details, with the boundary markers of each property completed before its occupation. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
5. No development shall take place until a scheme showing the means by which 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no windows, rooflights, dormers or additional means of fenestration (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific permission from the Local Planning Authority. Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority. Reason: In order that the Local Planning

Authority may exercise further control in this locality in the interests of the visual amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T1 of the City of Durham Local Plan 2004.

9. No development shall take place until a scheme for the parking of vehicles visiting the site has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T10 of the City of Durham Local Plan 2004.

10. No dwelling on site shall be occupied until the section of road between the current boundary of adoption at Holmfield Villas, and the junction leading into the proposed development has been improved to adoption standards. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T1 of the City of Durham Local Plan 2004.

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

12. No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Said scheme must include evaluation and mitigation (as appropriate), and the publication of results. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy E24 of the City of Durham Local Plan 2004.

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: E5a, E24, H3, H13, T1, T10, R2, Q8, and U8a.

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. The objection to the application relates to an issue of residential amenity, which has been carefully considered with the conclusion that acceptable levels will not be compromised.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Design and Access Statement

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

City of Durham Local Plan 2004

Planning Policy Statements 1, 3, 5 and 9 and Planning Policy Guidance note 13

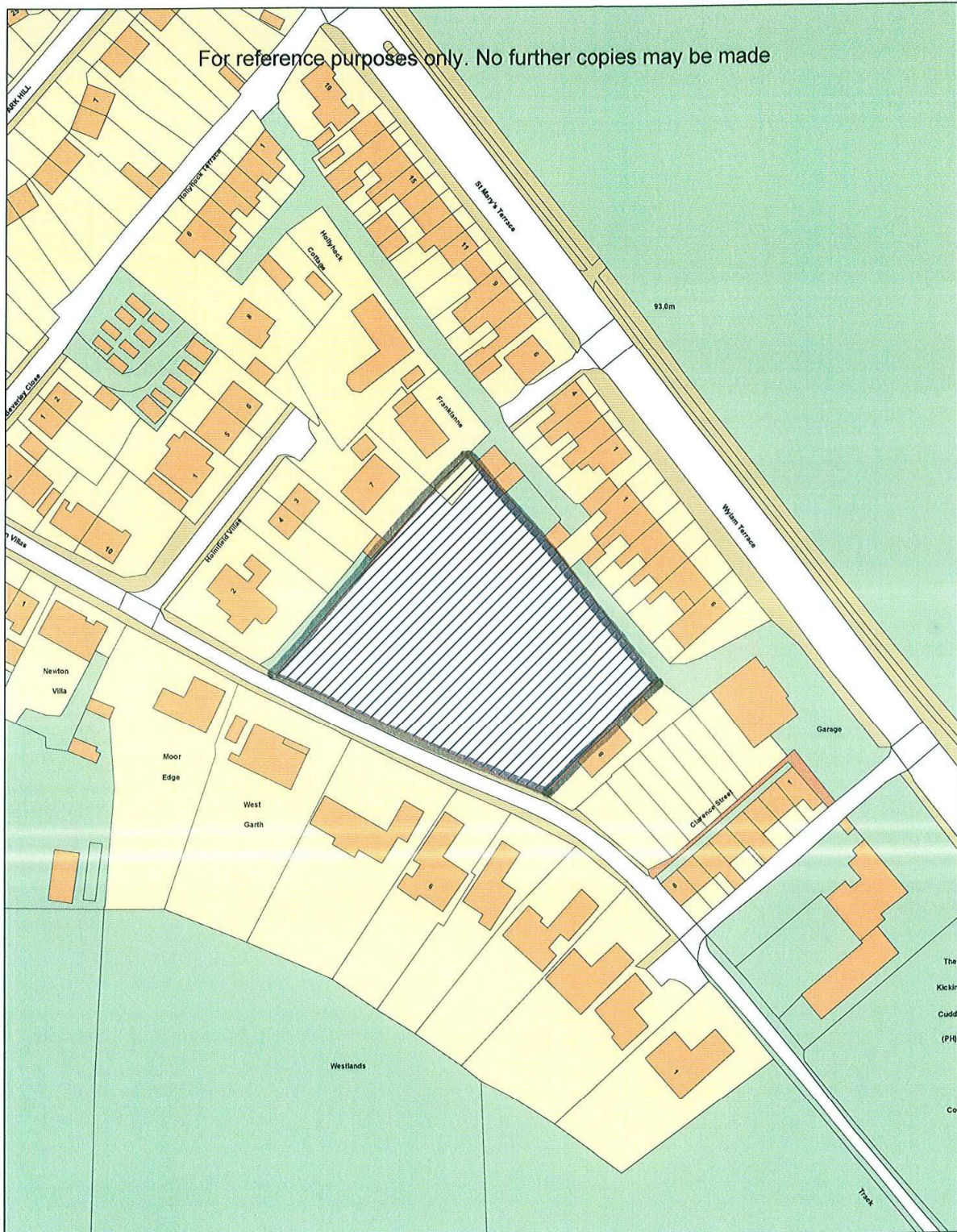
Responses from Highway Authority and Northumbrian Water Limited

Internal responses from Planning Policy Section and Ecology Section

Public Consultation Response



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 Planning Services	4/11/127/FPA	
	Land Off Wylam Terrace, Coxhoe	
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	Date	21 April 2011

Planning Services

COMMITTEE REPORT**APPEAL UPDATE (EASINGTON AREA OFFICE)****1. DECISIONS RECEIVED:****Appeal by Mrs P Emmanuel****Site at Poultry Farm, off Dene Road, Dalton-le-Dale, Seaham, SR7 8QW****Planning Reference PL/5/2010/0408**

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

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

The Inspectorate noted that the security situation was not sufficiently severe that the retention of a large caravan was essential to ensure a reasonable level of protection. It was concluded that the retention of the caravan would have a materially harmful effect on the open character and appearance of the countryside and would be contrary to both Local and National Planning Policy.

The matter is currently being discussed with the applicant in relation to enforcement action.

Recommendation:

That the report be noted.

Appeal by Mr D Middlemiss**Site at Seaton Nurseries, Seaton Lane, Seaham, Co. Durham, SR7 0LT****Planning Reference- PL/5/2010/0306**

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

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

The Inspectorate upheld the decision as it was considered that the proposal would result in residential development outside the established settlement boundaries as identified in the District of Easington Local Plan and would have limited access to community facilities, shops and public transport. It was concluded that the harm that would be caused to the principles of sustainable development and to the character and appearance of the countryside were of over-riding concern and led to the conclusion that the development was unacceptable.

Recommendation:

That the report be noted.

**Appeal by Cornwall Light and Power
Site at South Sharpley Farm, Seaton, Seaham, SR7 0NJ
Planning Reference- PLAN/2008/0355**

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

The appeal was allowed and conditional approval was granted for the works.

The Inspectorate noted that there is strong support from National policy for renewable energy development where environmental, economic and social impacts can be addressed satisfactorily. In this instance the Inspector concluded that the proposed development would not be unacceptably harmful to the landscape or be likely to be unacceptably harmful to the living conditions of nearby residents. No other considerations were raised which were sufficient to indicate that the proposal should be refused planning permission.

Recommendation:

That the report be noted.