



Area Planning Committee (Central and East Durham)

Date Tuesday 14 June 2011
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Minutes of the Last Meeting held on 10 May 2011. (Pages 1 - 8)
2. Declarations of Interest (if any).
3. Applications to be determined by the Area Planning Committee (Central & East Durham).
 - a) 4/11/256/FPA - Vacant Philips Components Ltd, Belmont Industrial Estate, Durham, DH1 1TG. (Pages 9 - 18)
Application Seeking New Planning Permission to Replace Extant Permission 07/00375 as Varied by 09/00976 (Erection of New Office Units and Conversion of Existing Buildings to Offices Plus 720 Car Parking Spaces) in Order to Extend Time Period for Implementation.
 - b) 11/166/FPA - Land at Commercial Road East, Coxhoe, Durham, DH6 4JU. (Pages 19 - 28)
Erection of 47 no. Two Storey Dwellings with Associated Access, Parking, Open Space and Landscaping.
 - c) 4/11/24/FPA & 4/11/25/CAC - 76 Claypath, Durham, DH1 1QT. (Pages 29 - 50)
Erection of Detached 5 Bedroom Dwelling House and 1 no. Garage with Associated External Works, Including Demolition of the Existing Bungalow and 2 no. Garages.
 - d) PL/5/2011/0121 - 10 Welfare Crescent, South Hetton, DH6 2RN. (Pages 51 - 56)
Pitched Roof Over Rear Bedroom.

- e) PL/5/2011/0110 - Land at Seaham Hall Farm, Seaham. (Pages 57 - 64)

Outdoor Market and Car Boot Fair - Sundays Between 12 Noon And 5.00 pm from Last Sunday in March to Third Sunday in October Each Year (Variation of Operating Dates Approved Under Planning Application Reference Plan/2008/0086).

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

6. 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

6 June 2011

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

Councillor C Walker (Chair)
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran, J Robinson, 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 - Easington Locality Office, Seaside Lane, Easington on **Tuesday 10 May 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, D Freeman, S Iveson, R Liddle, J Moran and M Plews (Vice-Chair)

Apologies:

There were no apologies for absence submitted.

Also Present:

A Simpson (Development Control Manager - Durham City Area Office), A Dobie (Principal Planning Officer - Easington Area Office), S Eldridge (Development Control Manager), G Folley (Planning Officer - Easington Area Office), A Inch (Senior Planning Officer - Durham City Area Office), C Harding (Planning Officer - 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 12 April 2011.

The minutes of the meeting held on 12 April, 2011, were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest (if any).

There were no declarations of interest submitted.

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

3a PL/5/2011/0118 - The Phoenix, Stockton Road, Seaham, SR7 0HJ. Installation of ATM Machine, Service Door and Bollards.

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

Councillor Bleasdale raised concerns with regard to Highways having no objections to the proposal.

The Highways Officer advised the Committee that Highways were unable to object to the application as it was only for an ATM machine and not for the change of use of the premises but alterations had been made to the car park access.

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

3b PL/5/2011/0106 - Peterlee Parachute Centre, Shotton Colliery, DH6 2NH. 15M Telecommunications Pole, 6 No. Antennas and Associated Equipment.

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

Councillor Todd the Local Ward Member indicated that he had received representations from residents and Shotton School. Concerns were raised with regard to the effects of Health on hundreds of children who attended the School. He indicated that there were arguments on both sides and the situation with regard to the effects was not clear so he would ask that members err on the side of caution as the antenna could be placed further into the estate. He asked that members consider the possible adverse effects on school children and residents.

Ms Ramshaw speaking on behalf of Shotton Primary School indicated that 400 children attended the school and they needed to know that they were safe now and in the next 10 years. There was no real firm grounds to say 100% sure that there was no harm to children. The Health and Safety of pupils must come first and they had great concerns of a new mast so close to the school.

The Principal Planning Officer (Easington Area Office) indicated that he sympathised with the school but planning could only go on the advice provided by the Government and that all the necessary requirements had been met. He also indicated that there was a current mast in close proximity which was granted approval last year and refusal would be difficult to justify in view of the close proximity of the other mast.

Councillor Charlton indicated that she did not know how the application could be refused in view of the close proximity of a current mast at the site.

Councillor Blakey asked if there was an alternative site. The Principal Planning Officer indicated that this site was the preferred option.

Councillor Bell indicated that he was unable to support the application as he was not convinced that the option to share the current mast had been fully investigated and the parachute centre owned land which was further away from residents and the school which could be used.

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

**3c PL/5/2011/0073 - Land at Mill Hill, Peterlee.
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).**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report and asked that a renewable energy clause be included in the conditions

Resolved: That the application be **APPROVED** subject to the conditions contained in the report and the inclusion of a further condition for renewable energy.

**3d PL/5/2010/0581 - Lake Lane Stables, Moore Terrace, Shotton Colliery.
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.**

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

Councillor Charlton asked if a further condition could be included to ensure that the wall was repaired within a required timescale. The Principal Planning Officer indicated that this condition could be imposed.

Councillor Moran sought clarification on whether the approval for three caravans would be for three families and whether the sanitary facilities were satisfactory. The Principal Planning Officer advised that the previous approval was for one extended family. The Case Officer confirmed that the sanitary facilities had been used for the last 3 years.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report and the inclusion of a further condition to require the wall to be repaired within a required timescale.

**3e 4/10/839/FPA - Unit 9 (Former Allied Carpets) Durham City Retail Park, McIntyre Way, Durham, DH1 2RP.
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.**

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 and asked that the wording of the conditions be revised as suggested by the applicant.

Councillor Thomson the Local Ward Member indicated that he was disappointed at the public response to the application which he believed was due to most locals not been aware of the application. He referred to three chemists already in the area which had already been affected when the Tesco Pharmacy opened. If the local pharmacies closed people without transport could not access Boots. The application would have an adverse effect on local retailers and he suggested that the evidence could be seen in the number of local shops which had already disappeared. He indicated that a large Boots store was not required at the retail park and would urge the application to be refused.

Councillor Howarth speaking on behalf of Belmont Parish Council echoed what had been said by Councillor Thomson. She referred to page 46 paragraph 20 of the report which was the only paragraph which concentrated on the local impact of a further pharmacy. She indicated that she did not know how local chemists could not be affected, if Boots opened it would take trade away from current pharmacies and people who did not have transport could not access Boots. Local chemists were scattered about which were accessed by people on foot who were older people. She asked that members think about their own areas.

Mr Blatchford speaking in support of the application indicated that a comprehensive report had been submitted by officers and he would concur with the officer's recommendation. He went on to say that the unit had been vacant for nearly 2 years and had made no contribution to the local community. A licence had already been granted by the NHS and the Retail Park was included on the latest approved list of Site for Pharmaceutical Services. Boots had also agreed to contribute £20,000 to support the Council's Heart of the City Shop front initiatives. There would be no material impact on the City Centre or Pharmacies which was supported by evidence of other Boots chemists which were located on out of town sites.

The Development Control Manager indicated that the NHS encouraged accessibility to pharmacies in areas such as retail parks where people already visit in numbers and that a licence had already been granted. This application was an acceptable use and in his opinion did not feel the effects were sufficient to refuse the application.

Councillor Moran sympathised with the other pharmacies but indicated that we live in a world of competition and would move the recommendation of approval.

Councillor Freeman indicated that Durham City Council in 2004 applied conditions so that this type of business was unable to occupy a unit and would support refusal of the application.

The Development Control Manager indicated that the approval granted in 2004 was approved by the Secretary of State and that a condition had been put in place to reduce the impact on local shops. This condition had previously been amended to allow Argos and Sports World to occupy a unit on the retail park to reflect changing patterns of retail activity.

Resolved: That the application be **APPROVED** subject to a revision of condition no's 3 and 4 into one combined condition.

**3f 4/11/072/FPA - Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ.
Proposed erection of two storey garden workshop/storage building with tarmac driveway, 1.8m rear garden wall and double gates.**

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

Councillor Holland the Local Ward Member spoke in support of the Officer's recommendation of refusal. He was concerned that the application was retrospective which began without planning permission which was unacceptable and even more so in a Conservation Area. He also indicated that the report of the conservation officer was damning and remedial work should be required.

Mr Cornwall an objector on behalf of residents supported the Officer's recommendation of refusal. He referred to the design objection which was shown as a bullet point on the presentation but was a three page document. He also referred to the building work that had taken place without planning approval which resulted in the loss of a tree and significantly compromised the area. He noted that the proposal was to build a garage and workshop which formed part of the rear garden which would be visible and overbearing for the street scene which would fail to preserve or enhance the area. He also indicated that the proposal was not acceptable and would have a detrimental impact on the area and the Conservation team had indicated that it would be possible to have an outbuilding but should be sensitive to the area. He referred to the proposals being contrary to policies and asked that the application be refused and that Mr Carter be asked to talk to the residents.

Mr Carter the applicant gave a power point presentation to members which showed pictures of the condition of the building and wall when he moved into the property. He indicated that the building and wall had to be removed for Health and Safety reasons and approval was obtained for this. He also indicated that he had an assessment completed on the silver birch tree and was advised that it had to be removed. He also showed pictures of properties either side which showed a two storey garage to the left and pictures of other buildings in the vicinity to demonstrate the typical character of surrounding buildings.

The Development Control Manager indicated that planning had a role to bring a fair and balanced judgement and Conservation were not always right and that the report was to give a balanced view.

Councillor Brown asked if the applicant submitted quality detailed drawings would the application be acceptable.

The Development Control Manager indicated that the plans should show quality of design, he believed in principle that something could be achieved.

Councillor Bailey indicated that he agreed with Councillor Brown and asked if the applicant could come back with further plans.

The Development Control Manager indicated that they could work with the applicant and he could re-submit an application within 12 months without incurring a planning fee.

Councillor Belasdale indicated that there was a double garage and studio on the other side so why was this application recommend for refusal.

The Development Control Manager indicated that the council had a statutory requirement to preserve or enhance a conservation area. The submitted plans did not show that quality would be achieved and that standards had to be maintained and improved and that an application of a lesser standard could not be accepted.

Councillor Bell indicated that after seeing the pictures on the power point presentation of the site before the demolition he was of the opinion that it was improved and suggested that the application be deferred so that the plans could be improved.

Councillor Freeman indicated that the precedent in surrounding properties was not good and that any development must be of a higher quality than those currently in the area.

Resolved: That the application be **REFUSED** for the reasons contained in the report.

Councillor Bailey left the meeting at 2.45 pm.

**3g 4/11/127/FPA - Land off Wylam Terrace, Coxhoe, Durham.
Replacement planning permission to extend time limit of approval
4/07/999/FPA – erection of 12 no. dwellinghouses with associated
access and landscaping.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager gave a detailed presentation on the main issues outlined in the report and asked if a further condition could be included in relation to sustainability.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report and a further condition in relation to sustainability.

4 Appeal Update.

Appeal Decisions

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

**(i) 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 was currently being discussed with the applicant in relation to enforcement action.

**(ii) 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.

**(iii) 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 was 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.

Resolved: That the report be noted.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00256/FPA
FULL APPLICATION DESCRIPTION:	Application seeking new planning permission to replace extant permission 07/00375 (erection of new office units and conversion of existing buildings to offices plus 720 car parking spaces) in order to extend time period for implementation.
NAME OF APPLICANT:	Mandale Commercial Limited.
ADDRESS:	Former Philips Components site, Belmont Industrial Estate, Belmont, Durham.
ELECTORAL DIVISION:	Belmont.
CASE OFFICER:	Peter Herbert, Senior Planner, 0191 3018723, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The former Philips Components site lies within the heart of the Belmont Industrial Estate and has benefited from a number of planning permissions for its redevelopment for office use with associated car parking.
2. Phase 1 of this scheme has been completed, but as a result of the necessity for significant off site highway improvements, required to accommodate the additional traffic generated by the approved development, phase 2 has yet to commence.
3. The applicants wish to extend the life of the phase 2 planning permission while negotiations continue with the respective Highway Authorities, and this is the subject of this application.

PLANNING HISTORY

4. Planning permission was granted for the erection of 10 office units and associated restaurant and parking in 2006 (Phase 1 of the site's redevelopment).
 5. Planning permission was granted for the erection of further office units, the conversion of former Philips buildings, and the creation of additional associated car parking in 2007 (Phase 2 of the site's redevelopment).
 6. A variation of condition no's 14 (a percentage for art provision) and 17 (off site highway improvements requirement) was granted in 2010 allowing the phasing of the former, and a proportion of office building to take place in line with what capacity remains within the
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existing and unimproved Trunk road system at Junction 62 of the A1(M).

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement (PPS) 1: Delivering Sustainable Development - sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement (PPS) 4 Planning for Sustainable Economic Growth - encourages economic growth and job creation that displays longevity rather than short termism

Planning Policy Statement (PPS) 13 Transport - promotes sustainable choices in respect of the movement of people and freight.

Planning Policy Statement (PPS) 22: Renewable Energy - outlines Government policy in regard to new development being encouraged to incorporate a sustainable energy strategy that both reduces the consumption of energy and encourages that energy to be consumed to be from renewable sources to as large a degree as possible.

8. REGIONAL PLANNING POLICY:

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

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

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

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

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

development in urban areas with good access to public transport.

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

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

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

9. LOCAL PLAN POLICY:

Policy EMP6 (Prestige Industrial Development) at Belmont identifies the application site within a location allocated for B1 (Employment) and B2 (General Industrial) development.

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

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

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

Policy U14 (Energy Conservation) encourages energy efficiency in building design.

Policy U15 (Renewable Resources) encouraging energy consumption from renewable resources.

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

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

The Highway Authority offers no objection to the life of this planning permission being extended, subject to the original highways related planning conditions being retained.

The Highways Agency offers similar comment, having no objection to the planning permission's being renewed provided that previously required highways related conditions are honored.

The Environment Agency offers no objections.

One North East recognizes the Government's wish for greater flexibility in regard to planning

permissions, but draws attention to the need to recognize increasingly high sustainable energy requirements. Accordingly, 10 % minimum renewable energy use, and an electric vehicle charging point are recommended.

11. INTERNAL CONSULTEE RESPONSES

The County Council's Senior Public Protection Officer has requested an assessment of the impact upon air quality likely to arise from this proposal, together with proposals for mitigation. This follows the recent creation of an Air Quality Management Area within Durham City

The Design and Historic Environment Section offer no objection.

12. PUBLIC RESPONSES:

None

APPLICANTS STATEMENT:

It is the applicants' contention that material planning considerations have not changed since planning permission was originally granted. Accordingly, its merits and overall acceptability remain as before, offering no reason why an extension of planning permission should be denied.

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

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

CONCLUSION

18. The merits of this economically beneficial development were clearly established when planning permission was originally granted, and these have not changed.

19. The implementation of the scheme has been delayed mainly due to the prohibitive cost of required off site highway works. However, this will hopefully soon be resolved.

20. The County Council wishes to encourage such investment in high quality business development. Therefore, subject to appropriate planning conditions, this application is fully supported.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by

the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

5. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied. Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

6. Before development is commenced details of all flues, vents, and extracts shall be submitted to, and approved in writing by the Local Planning Authority, being thereafter implemented to the satisfaction of the said Authority. 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.

7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

8. The existing trees and hedges on the site shall be retained and shall not be felled, lopped or topped without the written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced in the same position with trees of the same species and, as nearly as possible, of the same maturity as those removed having regard for current arboricultural practice. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

9. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

10. The development hereby permitted shall not begin until full details of the matters listed below have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details:

- (i) Facilities for the storage and collection of refuse, to be provided before the use commences;
- (ii) Equipment for the treatment and extraction of fumes and odors, to be provided before the use commences. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.

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11. The equipment referred to in Condition (ii) shall be operated and maintained in accordance with the manufacturer's instructions. Reason: In the interests of visual amenity in accordance with Policy Q7 of the City of Durham Local Plan 2004.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment in accordance with Policy U8a of the City of Durham Local Plan 2004.
13. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained thus in perpetuity. Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22. Reason - In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.
14. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement. Reason: To achieve the objectives of Local Plan Policy Q15.
15. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA ref no W11141/L18/001-C) and the following mitigation measures detailed within the FRA: Limitation of the surface water run - off generated by the development as described by the table in paragraph 4.2.2 on page 6. Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site, in accordance with the objectives of Local Plan Policy U8A.
16. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1(M) shown in principle on RPS Drawing No.TR03 have not already been implemented or are not already in the process of being implemented, then these same improvements to Junction 62 of the A1(M), as illustrated on RPS Drawing No.TR03 shall be completed in accordance with the approved drawings. The works shall also include the southbound exit slip road marking improvements as shown on WSP Drawing No.0882/GA/07 Rev A. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency. Reason: In the interests of safety and the free flow of traffic on the A1(M) and its junctions and to ensure that the A1 continues to fulfil its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

17. Prior to first use or occupation of any part of the development, if the improvements at Junction 62 of the A1 shown in principle on RPS Drawing No.TR03 have already been implemented or are in the process of being implemented, then the additional road marking improvements to the southbound exit slip road shown on WSP Drawing No.0882/GA/07 Rev A shall be completed in accordance with the approved drawings. The highway works would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency. Reason: In the interests of safety and the free flow of traffic on the A1(M) and its junctions and to ensure that the A1 continues to fulfill its purpose as part of a national system of routes for through traffic, in accordance with section (2) of the Highways Act 1980.

18. Prior to first use or occupation of any part of the development, the Travel Plan document shall be finalised and agreed in writing by the local planning authority and Highways Agency. The Travel Plan shall include person trip generation, mode share targets and outcomes (within the specified timescales), which have been agreed by the local planning authority and Highways Agency. Reason: In the interests of reducing the traffic impact of the development.

19. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the local planning authority. This post shall remain for as long as the site is occupied, and the local planning authority shall be informed immediately of any personnel changes in this role. Reason: In the interests of reducing the traffic impact of the development

20. A detailed travel survey shall be undertaken on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the local planning authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the trip generation, mode share targets and outcomes (within the specified timescales) that have been agreed in the Travel Plan (refer to Condition 18). Reason: In the interests of reducing the traffic impact of the development.

21. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have not been implemented or are not in the process of being implemented, then these same improvements to the highway junctions at Belmont Business Park Access Road junction with Broomside Lane, A690 Southwest Bound Off Slip Road junction with Broomside Lane and Broomside Lane and Alma Place miniroundabout, shall be completed in accordance with the approved drawings. In addition the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

22. Prior to first use or occupation of any part of the development, if the highway improvements indicated in the RPS Transport Assessment – Addendum 1 (DDT1050), Appendix F, have been implemented or are in the process of being implemented, then the Belmont Business Park Access Road junction with Broomside Lane shall be further improved as indicated in WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

23. Prior to first use or occupation of any part of the development, the footway/cycleway alongside Broomside Lane shall be extended as shown on WSP Drawing No. 11170882/0882/GA/06/RevF. Reason: In the interests of reducing the traffic impact of the development.

24. Prior to first use or occupation of any part of the development, the improvements to bus infrastructure shown on Figure 52 of WSP Transport Assessment 11170882 shall be implemented. Reason: In the interests of reducing the traffic impact of the development.

25. Prior to the occupation of the approved buildings, the bus service referred to in the submitted Travel Plan shall be fully operational, and continue as such for at least 5 years from the date of first building occupation. Reason: In the interests of reducing the traffic impact of the development.

26. Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and operational within the site, full details of which shall be agreed in writing with the Local planning authority prior to installation. Reason: In the interests of reducing carbon emissions.

27. Prior to development commencing, an assessment of the proposal's impact upon air quality, with mitigation measures where appropriate, shall be agreed in writing with the Local Planning Authority. Reason: In the interests of improving air quality, an objective of the recently designated Durham City Air Quality Management Area

REASONS FOR THE DECISION

1. The proposed development is considered acceptable having regard to Policies EMP6, T1, T10, Q7, U14, and U15 of the City of Durham Local Plan 2004:

2. More specifically, this proposal seeks to extend the life of an extant planning permission, the material considerations of which have not changed since the original consent was granted.

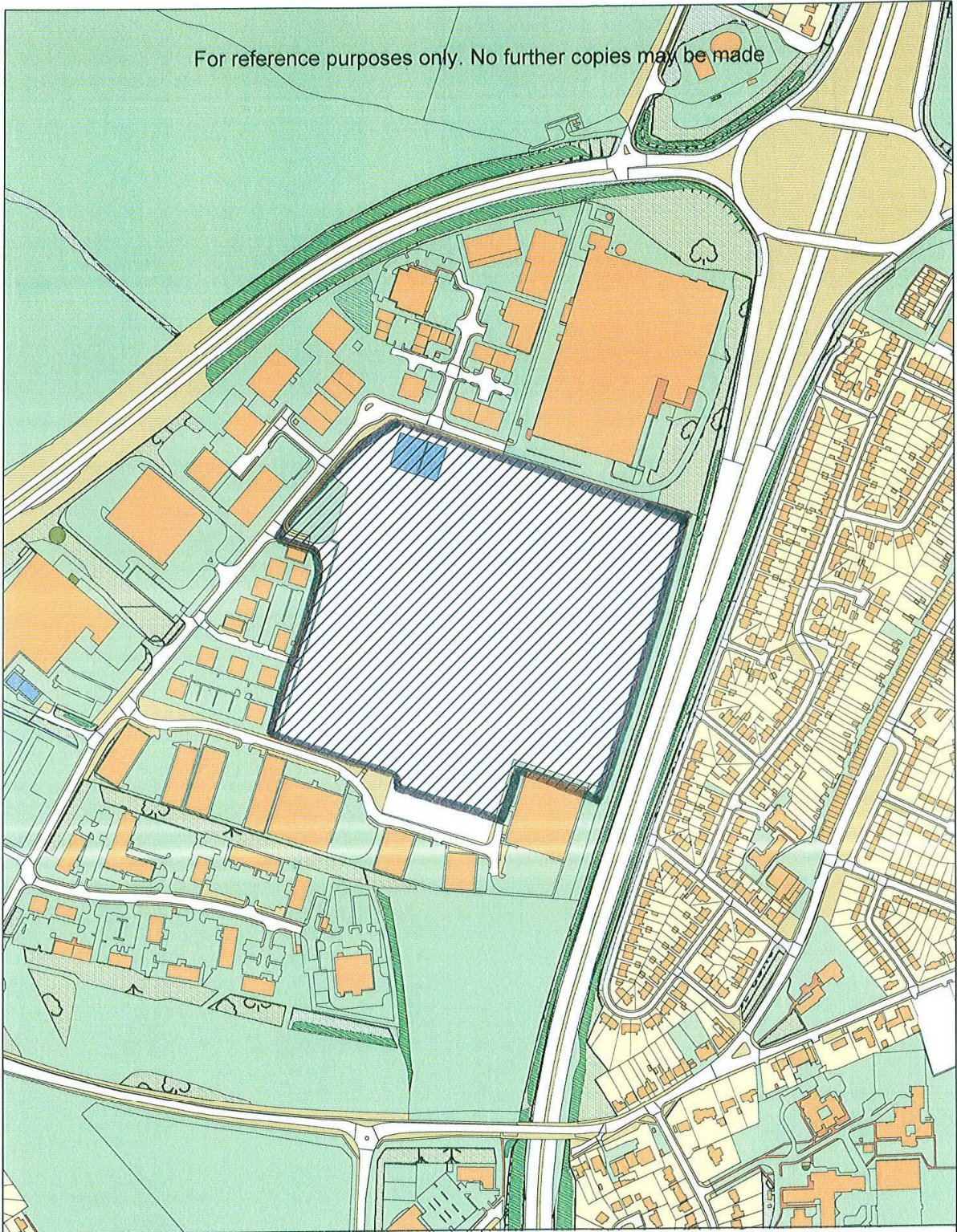
3. No objections have been raised to this proposal by any party.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Planning permission 4/07/00375/FPA
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2004
- Planning Policy Statements PPS1, PPS4, PPS13, and PPS22
- Response from County Highway Authority
- Response from Highways Agency
- Response from Environment Agency
- Response from Environmental Health
- Response from Design and Conservation
- Response from One North East
- Durham City Air Quality Management Area



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4/11/256/FPA

Vacant Philips Components Ltd, Belmont
Industrial Estate

Comments

Date

26 May 2011

Scale

1:5000



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00166/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 two storey dwellings with associated access, parking, open space and parking.
NAME OF APPLICANT:	Hellens Group
ADDRESS:	Land at Commercial Road East, Coxhoe, Durham, DH6 4UJ
ELECTORAL DIVISION	Coxhoe
CASE OFFICER:	Peter Herbert, Senior Planner, 0191 3833399, petergherbert@aol.com

DESCRIPTION OF THE SITE AND PROPOSALS

1. Planning permission is sought for the erection of 47 dwellings on land to the east of Commercial Road East, Coxhoe, within an area known as Four Mile Bridge.
 2. The site lies at the northern edge of the village, within the settlement boundary, on land that forms part of a reclaimed former lime works.
 3. A stream runs along the site's northern boundary, beyond which lies open land designated as a County Wildlife Site. To the south, running in an east west direction, lies a quarry access road, known locally as the "haul road," which serves the Coxhoe Joint Stocks quarry landfill site.
 4. To the east lies open countryside, whilst to the west lies phase I of the overall former lime works' redevelopment in the form of housing currently under construction.
 5. The current proposal, constituting phase 2 and the completion of the former lime works' regeneration, consists of 47 detached, semi detached and linked town houses arranged around open spaces and culs de sac at a density of 44 units per acre. Bedroom provision would range between 2, 3 and 4. A dedicated electricity substation would also be provided.
 6. Two vehicular access points would be provided, one taken from the phase 1 site, and the other directly from the "haul road." A 1.5 spaces per dwelling parking provision has been provided, taking the form of garaging, driveways and parking laybys.
 7. House styles have been designed to offer local distinctiveness, with "arts and crafts" detailing and a simple palette of materials.
-

8. A series of open spaces within the site seek to promote a village green setting, and landscaping within the site is designed to enhance that character. The strong existing tree cover along the northern boundary of the site will be retained to both soften the development from external views and retain a natural wildlife corridor complimentary to the adjoining wildlife site. A tree belt will be planted along the eastern site boundary to provide further screening, whilst an acoustic fence, punctuated by planted recesses, will form the southern boundary adjoining the “haul road”.

9. The application is supported by a Design and Access Statement, Flood Risk and Drainage Assessment, “Percentage for Art” proposal, updated Biodiversity Implementation Strategy, “Affordable” Housing Statement, a “Summary of Abnormal Costs, and a Statement of Community Involvement.”

10. This application is being referred to committee for determination at the request of the local County Council Member.

PLANNING HISTORY

11. Outline planning permission was granted in 2007 for a mixed use development on the former Coxhoe lime works site at Four Mile Bridge comprising 80 dwellings and 2400 sq m of employment use.

12. Reserved matters consent was granted in 2009 in respect of 80 dwellings, including details of design, layout, scale, access, and landscaping

PLANNING POLICY

13. NATIONAL POLICY:

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

PPS 3: Housing underpins the delivery of the Government’s strategic housing policy objectives

PPS 9: Biodiversity and Geological Conservation provides administrative guidance regarding the application of law in England relating to planning and nature conservation.

PPG13: Transport has as its objective the integration of planning and transport, together with the promotion of more sustainable transport choices for both people and freight.

14. REGIONAL PLANNING POLICY:

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

strategy, and general policies will guide development over a longer timescale.

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

Policy 2 Sustainable Development promotes (inter alia) the reclamation and reuse of derelict land for more productive purposes.

Policy 8 Protecting and Enhancing the Environment encourages the maintenance and enhancement of the quality, diversity and local distinctiveness of the North East environment.

Policy 29 Delivering and Managing Housing Supply sets out housing targets on previously developed sites, encourages Local planning Authorities to consider the reuse of employment sites for housing where they are not required for long term employment use.

Policy 33 Biodiversity and Geodiversity promotes habitat protection and creation.

15. LOCAL PLAN POLICY:

Policy EMP 9b (Local Industrial Sites) identifies the application site as suitable for small businesses providing local employment opportunities.

E18 (Sites of Nature Conservation Importance) seeks to protect such sites by minimizing harmful impact and enhancing their value.

Policy H3 (New Housing development within the Villages) allows new housing within settlement boundaries subject to suitable design and scale.

Policy H12 (Affordable Housing) seeks such a fair and reasonable provision of "affordable" homes on schemes of 25 houses or more.

Policy H13 (Residential Areas – Impact upon Character and Amenity) precludes development that will have an adverse impact upon residential amenity.

Policy H14 (Improving and Creating More Attractive Residential Areas) encourages respect for and the enhancement of local character, and the promotion of high quality design.

Policy Q1 (Designing for People) promotes the taking into account of all users needs.

Policy Q2 (Designing for Accessibility) requires account to be taken to minimize conflict between pedestrians, cyclists and motorists.

Policy Q8 (Layout and Design – Residential Development) encourages high residential development standards.

Policy Q15 (Art in Design) promotes artistic elements, either on site or within the facility, to be provided to enhance both developments and the areas within which they are located.

Policy R2 (Recreation and Amenity Space – New Residential Development) requires an appropriate level of both informal play space and private amenity space to be provided within new residential developments.

Policy T1 (Traffic Generation – General) discourages development that would generate traffic levels prejudicial to highway safety.

Policy T10 (Parking – General Provision), requires a balance to be struck between safe off street parking and the discouragement of an over reliance upon the use of the private car.

Policy U8A (Disposal of Foul and Surface Water) requires adequate provision to be made to avoid flooding.

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

16. STATUTORY RESPONSES:

The Highway Authority offers no objection. It is satisfied that the traffic likely to be generated by the proposed development can be accommodated safely within both the existing road network and proposed estate road layout.

The Environment Agency offers no objections subject to any planning consent being conditional upon measures prescribed by the Agency to mitigate flood risk, and the applicants adhering to standing advice relating to the contamination of controlled waters and foul sewage disposal.

Northumbrian Water offers no objections.

17. INTERNAL CONSULTEE RESPONSES:

The County Council Planning Policy section raises no objection to this proposal. Whilst it recognizes that, were it approved, further housing in this location would remove the possibility of any employment use on what remains of the former lime works site, such a departure from Local Plan policy is considered to be justified.

A recently completed Employment Land Review provides an assessment of all employment sites within County Durham. While the final document is yet to be approved, early indications suggest a significant over supply of employment land within the County.

The justification for housing on phase 1 of the former lime works site's redevelopment was to help fund the whole site's decontamination, allowing a smaller area of employment land to become available. However, in view of both the Employment Land Review's findings and the

remote location, relative to the rest of Coxhoe, it is now considered unlikely that this employment land will be taken up by an operator.

The site is considered appropriate for further housing as phase 2 of that already under way, and that all relevant policies in respect of design, open space, art provision and wildlife site protection have been fully addressed.

In regard to the applicant's "Summary of Abnormal Costs" statement, which seeks to justify exemption from any "affordable" housing provision, an analysis of the figures provided has been carried out by the County Council Assets team, using its Pro-Val computer programme. The conclusion reached is that, taking fully into account the substantial cost of decontaminating and restoring this heavily contaminated site, it would indeed be financially unviable to provide "affordable" housing, the cost implication of which, in terms of housing value returns, would prevent housing being built.

The County Ecologist accepts the terms of the submitted Biodiversity Implementation Strategy, and requests that implementation be a condition of any planning approval, so discharging obligations as required by the Conservation of Habitats and Species Regulations 2010.

The County Council Low Carbon Officer offers no objection subject to 2010 Building Regulations sustainability standards being observed, and proposed solar pv panels be of at least a 1kw peak system.

18. PUBLIC RESPONSES:

Coxhoe Parish Council has formally objected to this application. Stated grounds are the highway safety implications of the additional traffic generated by 47 new homes joining the "haul road" and its junction with the A177 at Commercial Road East; the negative impact on the local economy of the loss of any employment land on this site; an estate layout that suggests future phases to the east into open countryside; and the inadequacy of the "Percentage for Art" contribution, which is considered to be disproportional to the disruption to the village the proposed development will generate, and the profits accrued.

The Parish Council has formally requested that this application is considered by the Planning committee rather than dealt with by officer delegation, adding that it is opposed to any further housing within the village until its social infrastructure is improved. The local County Council Member supports such a referral to committee.

19. APPLICANTS STATEMENT:

The applicants argue that this proposal represents sustainable development within village settlement boundaries which regenerates contaminated land, and provides much needed housing within the County.

The considerable cost of reclaiming this highly contaminated site is cited as the reason why an "affordable" housing provision is financially unviable.

Discussions have taken place between a local employer (Coxhoe Paving) in respect of them relocating to the application site, but this has not proved fruitful, and it is now contended that the land is unlikely to prove attractive to businesses when compared to what else is available

within County Durham.

This scheme was presented to a Coxhoe Parish Council meeting in September 2010, attended by community members, and views expressed by Coxhoe residents at that time are said to have been taken into account. No substantial concerns regarding these proposals were raised at that time.

Finally, it is contended that the sensitivity of the adjoining wildlife site has been both respected and positively addressed in a manner likely to lead to its enhancement.

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=10/00798/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

20. The acceptability or otherwise of this proposal rests essentially upon whether the replacement of employment land by housing and an absence of “affordable” housing is justified. Then, should that be the case, whether in all other material respects this development meets Local Plan objectives.

21. In respect of employment land release, the applicants have argued there is an over provision of employment land within the county, and the restricted size and relatively isolated location of the land in question militate against likely take up. This is supported by the findings of the recently completed Employment Land Review. Efforts have been made to attract a nearby local business to the site, and this is the type of local employer most likely to be interested in such a site. Therefore, given the lack of interest, and the availability of employment land elsewhere, it is accepted that this land would be more productively used for housing, particularly as housing is already being built on the adjoining site.

22. Turning to the absence of “affordable” housing provision, a compelling financial argument has been reviewed and accepted by the County council Assets team, therefore there is no reason to pursue this matter further. In a recent High Court Judgment in regard to Blyth Valley Borough Council’s Local Plan Core Strategy economic viability was cited as a material consideration in respect of the formulation of “affordable” housing provision.

23. Accordingly, it is concluded that these two minor departures from Policies EMP9b and H12 have been convincingly argued.

24. House designs, layout, parking provision and landscaping were the subject of extensive pre planning submission discussions with Design and Highway Authority staff members. The scheme is well considered, with a variety of sustainable house types offering local distinctiveness. Open space provision is imaginative, enhanced by tree planting and associated landscaping, whilst all users are accommodated in a safe manner.

25. Accordingly, the objectives of Policies H3, H13, H14, Q1, Q2,Q8, R2, T1, T10 and U8A of the Local Plan are considered to have been addressed.

26. A Biodiversity Strategy aimed at protecting and enhancing the local ecology has been accepted by the County Ecologist, so complying with the objectives of policy E18 of the Local Plan.

27. Policy Q15 requires one percent of build cost to be dedicated to art, and the applicants, in response to local wishes, propose to recreate a level crossing gate with associated landscaping at the Commercial Road East – haul road junction in recognition of the former Clarence Railway that passed through the village. An element of art has already been provided as part of phase 1 of the development of the overall site as required by the terms of the outline planning consent. The phase 2 scheme completes this obligation, so satisfying both the policy and planning condition.

28. It is therefore concluded that this scheme satisfies the policy requirements applicable to this site, and where departures concerning land use and an affordable housing provision are to occur, these have been convincingly justified.

29. In regard to Parish Council concerns:

- The County Highway Authority has determined that both the proposed layout and local road network can safely accommodate traffic levels likely to be generated by this proposal. Appropriate weight must be given to this conclusion, and in the absence of evidence to the contrary the objectives of Policy T1 are considered to have been fully met.

- The loss of employment land has been most carefully and fully considered. However, in view of the County's over supply, the unlikelihood of the site being attractive to employers and an absence of interest so far, a need for housing within County Durham, and the regenerative benefits of the proposed development, it has been concluded that such a loss is justified and insignificant.

- It is not accepted that the internal road layout suggests future phases extending into open countryside, although it is acknowledged that this land is within the ownership of the applicants. Furthermore, any further proposal would be assessed upon its individual merits.

- The percentage for art contribution is considered to be both adequate and appropriate, taking into account that its nature reflects local wishes and that it represents the balance of a requirement which formed an outline planning consent condition.

- No evidence has been offered to justify the withholding of planning permission on the grounds of lack of social infrastructure within Coxhoe. Moreover, when this issue was raised at the time of the consideration of the earlier Reserved matters application for the 80 houses that form phase 1 of this development, adequate services such as school places were found to be present within the village.

CONCLUSION

30. This proposal constitutes the completion of the reclamation and regeneration of the former lime works, bringing clear aesthetic, environmental, ecological and economic benefits to Coxhoe.

31. A minor departure from an employment land designation is considered to be entirely reasonable, and the case for an exemption from an affordable housing provision has been proven.

32. The development is well designed, and future residents will help sustain Coxhoe's vibrant village shopping centre, adding to its economic wellbeing.

33. Parish Council concerns have been carefully assessed, but are not considered to

outweigh the overwhelming benefits of this proposal.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

- Planning Layout DWG 10014 (P)07
- Site Plan As Proposed Planning Layout – Phase 2 DWG 10014 (P)05
- Ambassador Range The Falmouth DWG 2010/FAL1/A/01
- Ambassador Range The Cheadle DWG 2010/CHE/A/01
- Ambassador Range The Tavistock DWG 2010/TAV/A/01
- Embassy Range The Somerton DWG 2010/SOM/A/01
- Statesman Range The Aylesbury DWG 2010/AYE/A/01
- Statesman Range The Ashford DWG 2010/ASH/A/01
- Materials & Boundary Treatments DWG 10014 (P)06
- Street Elevations DWG 10014 (P)10
- Landscape Layout Phase 2 DWG D022.L008 ISSUE 3 REV B
- Non-Standard Boundary Treatment Details DWG 10014 (P)32
- Non-Standard Boundary Treatment Details DWG 10014 (P)33

Reason: To meet the objectives of Policies H14 and Q8 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of walling, roof and floor covering materials submitted with the application, no development shall commence until samples have been submitted to, and approved in writing by, the Local planning authority.

Reason: To meet the objectives of Policies H14 and Q8 of the City of Durham Local Plan 2004.

4. All planting, seeding or turfing identified within the approved landscaping details shall be carried out in the first available planting season following the practical completion of the development, or occupation of the first building. Any trees or plants failing within five years of planting being carried out shall be replaced.

5. The Local planning Authority will review the affordable housing requirement three years from the date of this approval. The review will be in accordance with Policy H12 of the City of Durham Local Plan and associated Supplementary Planning Guidance, and will apply only to houses where foundations have not commenced at the time of the review. Subsequently, any affordable housing will then be implemented on site in accordance with the findings of the review and Policy H12 of the City of Durham Local Plan 2004.

Reason: To meet the objectives of Policy H12 of the City of Durham Local Plan 2004.

6. The submitted Percentage for Art proposal that forms part of the hereby approved development shall be implemented in full prior to the occupation of the first dwelling, unless

otherwise agreed in writing with the Local Planning Authority.

Reason: To meet the objectives of Policy Q15 of the City of Durham Local Plan 2004.

7. The development hereby approved shall only be carried out in accordance with the approved Flood risk assessment (FRA) 2084-Coxhoe Phase 2 dated October 2010 produced by Shadbolt Consulting, and the following mitigation measures detailed within the FRA:

- Surface water run-off discharge from the site shall be limited to 3.5 litres per second per hectare so that it will not exceed the run-off from the undeveloped site so that there is no increase in off-site flooding.

Reason: To prevent flooding by ensuring satisfactory storage or disposal of surface water from the site.

8. The biodiversity management plan contained within the submitted and hereby approved Biodiversity implementation Strategy shall be carried out in full.

Reason: To meet the objectives of Policy E18 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: EMP9b, E18, H3, H12, H13, H14, Q1, Q2, Q8, Q15, R2, T1, T10, and U8A. Due regard has also been given to the discharge of obligations required by the Conservation of Habits and Species Regulations 2010.

2. More specifically, this proposal represents a well designed solution to the regeneration of a formally heavily contaminated site, and offers homes to those who will help sustain village shops and services within Coxhoe.

3. Parish Council concerns have been fully assessed, but are unsubstantiated, and not considered to outweigh advice received from qualified and experienced professionals, or the wider benefits of this development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Flood risk and Drainage Assessment
- Percentage for Art Proposals
- Updated Biodiversity strategy
- Affordable Housing statement
- Summary of Abnormal Costs
- Statement of Community Involvement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- City of Durham Local Plan 2004
- Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13.
- Response from County Highway Authority
- Response from Environment Agency
- Response from Northumbrian Water
- Response from Low Carbon Officer
- Response from County Ecologist





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4/11/024/FPA and 4/11/025CAC	
76 Claypath	
Comments	
Date	26 May 2011
Scale	1:1250



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 11/00024/FPA & 11/00025/CAC

FULL APPLICATIONS DESCRIPTIONS:
 11/00024/FPA
 Erection of detached 5 bedroom dwelling house and 1 no. garage with associated external works, including demolition of the existing bungalow and 2 no. garages.

11/00025/CAC
 Demolition of the existing bungalow and 2 no. garages, to facilitate erection of detached family house and 1 no. garage with associated external works

NAME OF APPLICANT: Dr W And M Bremner

ADDRESS: 76 Claypath
 Durham
 DH1 1QT

ELECTORAL DIVISION: Elvet

CASE OFFICER: Mr S France, Senior Planning Officer
 0191 3872263, Steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. These applications relate to a site at 76 Claypath, currently occupied by a small, residential bungalow, at the heart of the Durham City Centre Conservation Area. The bungalow appears of post-war, 1960's construction, and is in poor structural condition, having been vacant since the death of it's long-term occupant. The bungalow is accessed via a shared driveway, serving a number of residential properties in Claypath, St. Anthony's Priory, a religious retreat, and a pair of semi detached modern split level dwellings, one of which is the current home of the applicants. Whilst not visible from Claypath itself, the bungalow does occupy an exposed skyline position when viewed from the south in medium distance views, from Leazes Roundabout, New Elvet, the junction of Hallgarth St. / Church St., Kingsgate Br. and the Cathedral tower. Whilst the site is exposed, the current building is not prominent, being read within the context of the surrounding buildings and slope, rather than as an individual point.

2. The site is on the slopes of Claypath, with the main garden area of the existing dwelling, partially terraced, falling to mature woodland and Leazes Road to the south. The

main living room windows and living accommodation as existing are sited on this southern elevation to take advantage of the impressive, panoramic views of the historic City Centre. An area of hard surfaced shared parking court, with detached garage is used to access the bungalow from the north.

3. The site also falls east to west, with a lower level of garden occupied by an Ash tree, a large concrete pad of undetermined origin, and a number of grave markers relating to the historic use of this part of the site within a defined Quaker graveyard. An existing hedge defines the site boundary and separates the curtilage from an access path that runs along the side of the plot, which has allowed access to the cemetery from Claypath, via a gated vennel, this access sitting atop a high retaining wall forming the boundary of Blue Coat Court, a modern residential development of unusual design.

Proposal:

4. The applications propose demolition of the existing bungalow, and erection of a modern, split level dwelling, using a mix of traditional and contemporary materials and massing. The dwelling's main living rooms and windows are angled in the main to take advantage of the aspect towards the Cathedral, and side windows overlook the side elevation above the Graveyard. The dwelling's footprint is convex in form, framed around the existing tree as a design focal point. Minimal alteration is proposed to the graveyard area. A replacement detached garage is proposed within the shared parking courtyard.

5. The application is directed for determination by Committee at the request of the Ward Member.

PLANNING HISTORY

6. There have been no alterations to the existing bungalow on site, and it has no planning history other than recent applications for tree works around the site boundaries.

PLANNING POLICY

7. **NATIONAL POLICY:**

PPS 1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. Particular emphasis is placed on the need for good design to be an intrinsic part of the development process.

PPS 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live. This PPS3 sets out the expectations of the Government for Local Planning Authorities considering the various aspects of development of new houses, including issues of sustainability, quality, mix, access to facilities, land supply, and the need for 'balanced communities'.

PPS 5: Planning for the Historic Environment, sets out the Government's planning policies on the conservation of the historic environment. In considering applications, LPA's should take into account the effect of an application on the significance of heritage assets. There should be a presumption in favour of the conservation of designated heritage assets. LPA's should treat applications favourably where they preserve elements of the setting that contribute to the significance. Opportunities should be identified that enhance / improve

setting or significance.

PPG13: Transport's objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

The above represents a summary of those national 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 signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to these applications include the following:

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

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

Policy 32 (Historic Environment) requires identification of the significance of heritage assets and their vulnerability to change, encouraging the refurbishment and reuse of underutilized buildings, and recognising opportunities for heritage led regeneration.

9. LOCAL PLAN POLICY:

Policy E3 (World Heritage Site - Protection) seeks to protect the Cathedral and Castle World Heritage Site and its setting by safeguarding local and long distance views to and from the Cathedral, Castle and Peninsular.

Policy E6 (Durham City Centre Conservation Area) states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or

enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

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

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

Policy E21 (Conservation and Enhancement of the Historic Environment) requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.

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 E24 (Ancient Monuments and Archaeological Remains) sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ.

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

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

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

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

development.

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

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at [\(link to webpage\)](#)

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

Noting there is likely to be some disruption during the construction process, the County Highway Authority confirm they have no objection to the proposals.

Natural England confirm the proposals are unlikely to have an adverse effect on species protected by law.

English Heritage have considered the submitted information as required and do not wish to make any comments

The Coal Authority have inspected the submitted Ground Investigation Report, and whilst broadly accepting it's conclusions, note the potential for historic, unrecorded coal-mining features to be present, and suggest an 'informative' to be attached to any decision notice, should the proposals be approved.

11. INTERNAL CONSULTEE RESPONSES:

Environmental Health request a condition requiring submission of a desk-top site investigation and assessment, albeit one was submitted with the application.

The County Archaeologist has provided extensive advice during the course of the application, the advice evolving in response to requests for additional information and clarity. The comments are offered against the background of the requirements of PPS5, and Local Plan Policies E21 and E24. It is noted the applicant has submitted a supporting Archaeological Assessment which acknowledges the site has the potential to contain archaeological resources from the medieval through to a post-medieval Quaker Burial Ground.

Claypath has been densely populated with tenements from the 13th Century onwards which are known to have been continuously rebuilt. It is further noted there is a conundrum regarding the date of the burial ground and its geographical extent, with documentary records indicating a Quaker meeting house at 80 Claypath in 1700, whilst another source gives a date of 1679. These records do not however date the burial ground. The first burials are quoted in records as 1851, however the burial markers/memorials on site are dated earlier at 1803, 1816 and 1843. The Archaeologist states that traditionally Quakers do not

use grave markers. Additional information submitted in March 2011 further analysed the boundary walls of the burial ground, showing these consisted a patchwork of various phases of building, rebuilding and patching. As a result, the walls have no significance in architectural terms, but do have a significance in archaeological/historical interest as defined in Annex 2 of PPS5, being 'significant, and therefore of interest to future generations, in demarking the extent of the burial ground within it's modern surroundings.

The burial ground is noted as having been 'severely disturbed and disjointed' as a result of the northern portion being remodeled and landscaped within the gardens of Bellevue Court, the semi-detached split-level modern dwellings to the rear of Belle Vue Bungalow. It is however believed the only Quaker burial ground in the City. Following submission of more detailed plans showing the intention of the applicants to leave the concrete slab in situ, and the area within the wall unaffected by excavation or development, advice is now that there is no need to formally investigate the defined burial ground as part of the application, with a suggestion that a condition removing permitted development rights for ancillary buildings in that area be appended to any approval. It is stated the retained walls demarcating the former boundaries of the cemetery are appropriate for preserving the bounds of the cemetery and making it discernable within the development. The use of raised planters on top of the concrete is likewise suggested appropriate in retaining the peacefulness of the site as it was meant to be originally. It is acknowledges the wider site consists disturbed, made-up ground where archaeological remains are less likely. A condition for a watching brief is suggested.

Heritage and Design Officers note an archaeological desk top assessment was submitted with the planning application at the above site in accordance with the recommendations of the County Archaeologist. This initial report provided a basic elementary overview and desk based assessment of the site and the possible implications for the archaeological deposits present given the proposed development. Although meeting the requirements of the provided brief the report did not fully relate the historic setting and implications of the proposed development to the site and its surroundings and failed to provide an analysis of the site levels and existing features. The initial report was aimed at the requirements of the archaeologist but a wider historic appraisal was required which included the archaeological report but added an analysis of the physical standing remains and provided a social and historic context for the site. The subsequent additional report addresses this deficiency and provides a full and well researched background to the various occupants of the site over the centuries as well as relating the phases of development to the physical features and boundaries present on the ground. A well reasoned summary concludes that the surviving wall features are minor remnants of boundaries which, although of interest, are not in their own right of particular historic significance given their fragmentary and dissociated condition. The photographic and descriptive record made as part of this second report adequately records the walls for future reference. When taken into account with the proposed archaeological report and subsequent phases of work the body of historic information gathered about the site is sufficient to meet the requirements of a fully detailed appraisal. It is apparent from the report and from observations on site that the walls are not critical to the understanding of the property and their removal as part of the scheme can be consented given the adequate records now held. Their Officers confirm that the existing buildings on site are of poor quality in an area characterised by modern buildings of varying scale, form, design and visual quality. A contemporary design approach is considered appropriate in a location that offers and opportunity to provide high quality architecture, and a distinctive building which could make a positive contribution to the Conservation Area. The subjective nature of the assessment of design issues is such that there has been some discussion over the approach proposed with various officers involved.

The Planning Policy Team confirm that the principal of reuse of the site is well established in accordance with PPS1 and PPS3, being within the City Centre where residential development is generally supported. The need for Conservation and Archeological in accordance with Policies E6, E22, E21 and E24 assessments is noted. Other areas recommended for assessment against Policy include trees, effect on the World Heritage Site and effect on neighbours against relevant adopted Policies.

The Council's Landscape Office raises no objection to the approach of the design in relation to the principal tree on site.

12. PUBLIC RESPONSES:

Objections to the scheme have been received from 9no. local residents, the City of Durham Trust, and two parties connected with the adjacent Priory, in addition to a Planning Consultant engaged by local residents.

One letter has been received in support of the application.

The correspondence is summarised below, and is generally available for inspection. In regard of this, it should be noted that whilst the majority of the public correspondence relating to the application has been made available as usual on the Council's public access website, some letters sent to and copied to the Council have been considered potentially libelous and not made available on-line, in accordance with standard procedures. The full text of all correspondence is however available on request from the paper file.

The objections to the scheme revolve around three main key issues; Residential amenity, scale and character and the effect on the graveyard.

The objector's Consultant complains of the significant loss of privacy and amenity to all properties in Blue Coat Court, with the overbearing new dwelling able to look directly into properties and garden areas, and with unacceptable relationships to existing windows. Concerns relating to loss of amenity have also been raised by the adjacent Priory.

Residential amenity is considered affected to an unacceptable degree in relation to the residential windows in the roofslope of Blue Coat Court, with the nearest property at no.3 worst affected. Particular concern is raised by two residents – the nearest concerned at a direct view into a large clear glazed bathroom window, the adjacent balcony area accessed from patio doors to the balcony which will now be exposed, the stair/landing window which is also used as a living area, and the main living area on the top floor. The neighbouring property shares similar concerns, with particular emphasis on loss of privacy to the balcony area, which is used for nude sunbathing. The loss of amenity and privacy into the access courtyard serving all the dwellings in Blue Coat Court is of concern, with 5 Blue Coat Court concerned that the remodeled garden area will overlook their gardens or a fence may be erected at high level to them to the detriment of light and aspect along with security. A loss of light to the properties in the Court is of further concern, particularly in the winter months. The residential use of the site by a family, in terms of the effects of the layout of accommodation proposed and the use of the garden areas on neighbours has been raised as a concern. The response to the amended plans submitted by the architect in an attempt to mitigate the above concerns is that the building remains ugly, and there is no improvement to amenity issues.

The adjacent Priory to the north has a number of concerns, including the relationship of existing and proposed windows, the loss of privacy and peace to their operation, both from a

residential property, but of more immediate concern, during the construction process. Their use of the property as a retreat is based on peace and tranquility, and with significant access and parking requirements, they fear that the construction and subsequent presence of a residential dwelling will unacceptably affect their use of the building. The proposals are considered frightening, intimidating and incongruous by a supporter of the Priory with a particular problem of overlooking from the end of the eastern elevation.

A number of objections are raised to the scale, character and appearance of a building variously considered incongruous and inappropriate. Apparent policies on restricting glazing visible from the Cathedral are quoted, and the building is criticised in terms of scale, massing, modernity, increase in height, long views from the Cathedral, and short and medium views from below, and various views south at critical nodes in the Conservation Area. Both the appearance of the dwelling itself, the amount of fenestration proposed and its prominent and exposed location as skyline development, in a traditional environment, and particularly in context with the adjacent Priory are raised as objections to the proposals. The different aspect the proposed building will present in winter months, when deciduous trees are out of leaf in particularly short views from below the site is detailed an objection. The physical presence of the building and its additional bulk when viewed from Blue Coat Court and the dwellings and gardens below is considered unacceptable. Local residents have already taken their concerns to the press, with articles and photographs on local papers setting out their view of the proposals.

The issue of the effect of the proposals on the existing Quaker Burial Ground has caused particular concern to some residents, both in terms of potential disturbance from physical works and alterations, the respectfulness of the construction process and the end use proposed, and access to it by the Quakers, students, schoolchildren, tourists and other interested parties, with a legal covenant quoted as protecting such. The Council has been criticised for not Consulting the University Archaeology Department for advice in respect of the Graveyard, albeit recent correspondence has been more supportive of the County Archaeologist's assessments. The proposed development is stated having a detrimental impact on the heritage of Durham as a result of the effects of the works on the Burial Ground.

The City of Durham Trust state the treatment of the Graveyard is critical, the effect on the Priory is material, and in their opinion the submission in its current form does not meet the test for development in a Conservation Area. They too note the potential for the scheme to have a different aspect in winter. They consider the scheme muddled and have particular concern at the windows and balconies.

Other objections raised relate to a perceived lack of supporting information, particularly contextual, and the potential effect on the Ash Tree, with its subsequent care.

A letter of support has been received, complaining about receipt of anonymous circulars encouraging objection, but offering the view that a new family dwelling in this area is to be welcomed, opining the architect has responded well to a difficult site and that the finished dwelling is a likely award winner.

13. APPLICANTS STATEMENT:

The applicant's statement is a summary of the submitted Design and Access Statement and

subsequent information, available in full in the application file, and the Council's Public Access facility on-line. Detailed supporting information relating to Archaeology, Contaminated Land assessment and tree works are also available.

The site can be seen from different parts of Durham and sits within a wider composition that forms a characteristic of the Durham townscape, cascading along the naturally cascading slopes. Individual buildings exhibit a variation of mass, roof form and fenestration, however over longer distances the variations are less distinct, with the built form being read as a whole, a coherent and consistent assemblage of buildings in harmony. The proposals address the challenging topography which includes significant changes in level across the site, and will fit into a wider collective massing, mirroring the rhythm, variations, finishes and articulations in roofline. The new dwelling is in the form of a curved building operating on a number of levels, with the main two storey building having a traditional pitched roof. The design is influenced by views of the Cathedral and the topography, with the footprint of the building fixed around the tree.

The entrance level will remain as existing, and bedrooms will be on the lower level, with main living accommodation above. Externally a new oval lawned area as children's play space and a series of terraces to the south of the house will blend with natural contours. In the area of the graveyard, minimal alterations are proposed – the concrete slab will remain, with raised sleeper planter beds positioned regularly, with the existing memorials placed between them. This is will ensure that the physical residential use of the land is likely to be respectful. The building has been designed with the proposed ridge level only 400mm higher than the existing dwelling – lower than the existing dwellings immediately adjacent it's rear. The shape of the building will compliment the characteristics and rhythms of Durham's built form – subtle vernaculars and irregular, organic arrangement that sits well within the townscape and highlights the cascade effect.

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 [\(link to webpage\)](#). 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

Demolition

14. There are two applications presented for determination here, and despite the contention outlined above on the proposed scheme, there has been no suggestion from any quarter that the existing building of site is of any merit that would justify its retention, or that it can be considered a positive attribute to the Conservation Area. Further taking into account the structural problems exhibited in the shared courtyard side access to the building, the application to demolish this existing structure is accepted as appropriate and uncontentious, and subject to the usual caveat attached to demolition in a Conservation Area, that the demolition must be conditioned as time scheduled to a replacement or a scheme of tidying the site, the demolition application is recommended approved, subject to members decision on it's replacement.

New Development - Key Issues

15. The response to the public consultation exercise has indicated the three key areas where this application needs to be assessed against national advice and the adopted planning policies of the Council, contained in the development plan; the City of Durham Local Plan, 2004. Those key areas are; residential privacy and amenity, the appropriateness of the design and its scale and character – in relation to it's immediate surroundings and the wider Conservation Area and facing World Heritage Site, and the implications of the

proposals to the Quaker burial ground. In terms of residential amenity, the most relevant policies are Q8 and H13, for scale and character they are E3, E6, E22, E21, and H13, and for the archeology policy E24 is most relevant.

16. These issues must also be considered in the context of, and having regard to Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in terms of whether the character and appearance of the Durham (City Centre) Conservation Area would be preserved or enhanced.

Residential Amenity

17. The topography of the site and its surroundings and the unusual concave form of the buildings elevations have not made assessment of the various relationships straightforward. The drawings have been amended during the course of the application by the architect in an attempt to mitigate the main physical relationships identified of concern to residents and Officers, with extra information submitted. Nos. 1-3 Blue Coat Buildings, the most affected dwellings are of particularly unusual modern design, 1960s in appearance, accessed on the ground floor level, with the main living accommodation on the first and second floors, where rooflights, dormers and balconies punctuate a steep roof-slope to take advantage of the views south across the Conservation Area, towards the World Heritage Site. Having not been previously overlooked to any degree, an unusual quirk of the building is that the bathroom roof light windows on the first floor are clear glazed. The private gardens of these dwellings are to the north of the buildings, unaffected by the development, remaining wholly private.

18. The proposed new dwelling has a concave side elevation where it faces west, towards the graveyard, the Ash tree, and where it overlooks Blue Coat Court. Difficult to represent in two-dimensional elevational form, the nearest part of the proposed dwelling's main living accommodation to 3 Blue Coat Court will be facing obliquely away from that building. A proposed window in the gable at the corner of the new-build has been removed. The second room on this floor – shown as a 'home office', faces across the courtyard of Blue Coat Court – and therefore across the front of those dwellings - at right angles, with the window off-set in the layout of the room layout to lessen direct relationships to existing windows, and guide line of sight within the room south west towards the Cathedral. The main windows of concern have been those facing back over as a result of the concave footprint towards the Ash Tree, and nos.1-3 Blue Coat Court beyond. These are side windows to the main Living room area, like those of all the other dwellings in the area, traditional and modern are primarily angled south, towards the World Heritage Site. The windows to this living room are recessed into the building behind a stair connection from the balcony areas to the side of the dwelling where the Ash Tree and the burial ground are located. These stairs also have an obvious further implication to privacy. The building has been redesigned with a feature wooden screen on the outer face of the stairs, and the walling / window arrangement altered to further prevent direct overlooking.

19. The levels of the new dwelling are such that the proposed roof-ridge height is 400mm higher than that of the existing bungalow, although as noted above, this ridge is still lower than those of the adjacent two dwellings. More importantly as regards the issue of potential overlooking, the house is proposed sunken into the site to the lower level of the wall at the top of the graveyard. Therefore whilst a two storey dwelling is proposed, it's lower level, where the bedrooms are proposed, and where the access stair from the main living accommodation emerges is below existing ground level. Whilst the main living accommodation is on an upper level, the proposed floor-plans show this is six steps up from the entrance lobby floor level.

20. To come to a conclusion as to the impact on residential amenity on the living room windows of 3 Blue Coat Court, it is worth noting that the existing bungalow on the site has two full sized bedroom windows in its gable. The distance between the new windows proposed and those in the existing building is over 26m – well in excess of the 21m suggested as an appropriate guideline for assessing directly facing relationships in the justification to new residential development. Despite this when the scheme was first received, Officers indicated to the architect that given the unusual circumstance of the clear-glazed bathroom window (inspected from inside by the Case Officer on two separate occasions) the relationship was unacceptable. With the introduction of the wooden screen, and the moving of walls and windows behind the stair access, and taking into account the level at which the lower ground floor bedroom windows are set in relation to the topography of the site and site boundaries, Officers are of the opinion that the specific relationship to the bathroom window of 3 Blue Coat Court is such that a refusal on this ground would not be sustainable.

21. With a new dwelling in place there will obviously be an affect on the general amenity and privacy of 1-3 Blue Coat Court. Whilst the new dwelling is set a low level on the site, the standard assessment of relationships must take into account the higher level of the new-build. It is concluded that whilst there will be an impact on privacy and amenity, it will not be to a level where planning permission could reasonable be withheld. Officers do not believe an objector's use of his balcony for sun-bathing can reasonably be used as a right over and above that area's reasonably expected usage. Concerns relating to potential loss of light have been addressed by the architect through a series of drawings showing the shadow cast of the new structure at various points through the year. These show an impact, but again not an unreasonable one, noting that the dwelling is to be set down into the site, and the fact that it is over 14m from the boundary, with a mature tree in between.

22. Policy Q8 requires there to be *adequate* amenity and privacy for each dwelling, with the impact on the occupants of existing and adjacent properties *minimised*. Policy H13 states that planning permission will not be granted for development which has *significant* adverse effect on the amenities of residents. With the main living room windows aimed at the Cathedral, and the lower bedroom level set into the garden the side windows of new dwelling will not dominate the shared courtyard area of the existing development below to an extent the residents there fear. It is noted in passing that on the steep slopes of Claypath, side windows in gables overlooking adjacent gardens are already evident as a feature of the area. Officers conclude that whilst there will be an effect on the privacy and amenity of the residents of Blue Coat Court, it is within the limits that can be considered reasonable in new development.

23. Objection has also been received in relation to the effect of the proposals on the Priory to the east. This former residential dwelling is used as a religious retreat. It has been pointed out during the course of the application that this facility has not been regularised in terms of planning permission, but Officers are aware the operation has been in existence in its current form for over a decade, and would expect a Certificate of Lawfulness to be a formality should one be submitted (the use being outside the period the Council could initiate enforcement). Whilst an oriel window is proposed to the hallway, the windows on the west side of the building serve corridors and toilets, which at around 15m separation from the non-residential elements of the Priory are separated by existing established natural boundary markers with that building at a higher level. Whilst the entrance and nominal front of the Priory faces across into the development site, as with most properties of any age erected to the rear of Claypath, the main windows are in the south elevation, to best take advantage of views towards the Cathedral. The amendments to the plans included a fin wall

on the balcony elevation nearest the Priory to ensure no direct overlooking from there. The principal of the residential use of the land adjacent the Priory is historically established. Concerns relating to the construction process can be mitigated to a degree by a condition establishing working times and practices, but given the narrow shared access and the proximity of the two properties, the constructive process will be highly intrusive to a use dependent on a peaceful environment. This is again unlikely to be a defensible refusal reason.

24. The hedging on the boundary of the site adjacent the vennel access/Blue Coat Court is not shown as affected, and is important for the residential amenity of all parties. Its protection by condition is not however considered proportionate, reasonable or enforceable. A condition to ensure that should a new fence be proposed, the Local Authority has control over it, is proposed in the event of an approval.

25. In terms of the impact on residential privacy and amenity, following the amendment of the scheme, Officers are of the opinion that the proposals are on balance acceptable and compliant with policy Q8 of the Local Plan

Scale and Character in the Conservation Area

26. Over recent years, Government has elevated design issues high on the planning agenda, reflected by its prominence as a topic in Planning Policy Guidance Statement 1 - General Policies and Principles - stating that, 'Good design ensures attractive usable, durable and adaptable places and is a key element', therefore, 'good design is indivisible from good planning'.

27. The PPS was supported by a raft of supporting documents from a number of sources, which emphasises that the control of design issues by Local Planning Authorities, whilst being considered and consistent, must not be restrictive, particularly where innovation and originality is proposed - 'Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'. 'By Design – Better Places to live: A guide to PPG3' (DETR/CABE 2000) likewise notes, 'It needs to be emphasised that there is no single appropriate design response. Quality comes in many forms. Indeed, in order to be responsive and fitting to different contexts, it is important to recognise the validity of a diverse range of approaches'.

28. To give a framework against which design issues can be considered, some of these documents contain suggested 'toolkits' to assist practitioners in giving structure and appropriate weight to design issues. Produced by the DETR and CABE in 2000, 'By Design – Urban Design in the Planning System' champions diversity in design in appropriate locations, 'where there are no significant local traditions, the challenge to create a distinctive place will be all the greater. There is no reason why character and innovation should not go together. New and old buildings can coexist happily without disguising one as the other'. One of the ways new development can be successfully integrated is to 'consider the site's land form and character when laying out new development – The three-dimensional shape of the landscape is the basis for a development's form (expressed in its layout and massing). Natural features can help give shape to a development and integrate it into the wider area, contributing to a sense of place. – Conserving a site's natural features provides for a better relationship between new development and its environment.

29. This development also has the additional dimensions of its context with the historic environment to consider, both in terms of the Conservation Area Status of the City Centre (policies E6 and E22) and its relation to the World Heritage Site (policy E3). Not all elements

of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in PPS5, HE9.1 to HE9.4 and HE10 apply to those elements that do contribute to the significance. When considering proposals, local planning authorities should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole. Where an element does not positively contribute to its significance, local planning authorities should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element. This should be seen as part of the process of place-shaping.

30. The current building on the site does not contribute to the Conservation Area, and the main contribution of a building on the site will be from medium/longer views as part of an established skyline of development, traditional and modern on the slopes of Gilesgate, as Claypath falls towards the Market Place. The majority of the surrounding development is of modern appearance, post war, with a great variety of style, shape massing and indeed quality. The adjacent traditional building, the Priory, has highly contemporary, mono-pitch extension added to it. Leazes Court, south-east of the proposed dwelling is modern with traditionally referenced detailing, Blue Coat Court and Belle Vue Court exhibiting different modern approaches to development in the Conservation Area.

31. Officers agree that the subjective assessment of design issues will invariably lead to disagreement, particularly where a non-traditional approach is suggested. This has been the case here, despite the variety of modern development in the immediate vicinity, most occupied by the objectors. Officers are of the opinion that the proposals represent and innovative contemporary design, which in blending traditional materials, massing and roof-shapes, with modern design and using the contours of the site provide opportunity for a dwelling of note in the City Centre.

32. The issue of a lack of provision of family dwellings in the City Centre has often been a criticism of the Council in the past. From the main views of Kingsgate Bridge, the junction of Hallgarth/Church Streets and New Elvet the development will be seen as an element of an overall skyline, and the traditional massing and materials will help it integrate.

33. The proposals are surrounded by much larger buildings and sit within a large site which is more than capable of taking a building of this size, with the scale of the building reduced in visual bulk by the variations in roof and massings.

34. The adjacent traditional building, the Priory is a grand, traditional building of stone construction, with a slate roof. This building has highly contemporary large extensions to its rear with modern glazing and mono-pitch roofs – elements of which are picked up in the scheme under consideration. The two buildings in Belle Vue Court to the rear are modest but modern in appearance, particularly in terms of fenestration, assimilating in to the locale by virtue of an appropriate palette of materials. The buildings in Blue Coat Court are modern in a 1960's vernacular, fitting in by virtue of an appropriate roof colour – in terms of design and massing they are an alien feature – but now an accepted element of Durham, perhaps as much by familiarity than by appropriate design. It is important to note therefore that the proposal is set, and will be seen from the public realm, within the context of a range of non-traditional buildings of varying age, character and appearance, all of which however turn their main living room windows wherever possible towards the World Heritage Site.

35. The footprint of the building is an interesting response to the presence of the existing tree on site. Officers do not consider the objector's caricature of the amount of glazing on the elevation facing the Cathedral fair, and do not agree it is the out of character feature they have presented in correspondence or to the press. The main visible elevation

will be seen in the context of the overall building, and primarily in longer views, where it will appear as detail in a wider setting. Durham City Centre has a paucity of quality contemporary architecture.

36. This scheme gives an opportunity to approve a contemporary scheme, set in the general context of non-traditional buildings which, visible in a component in a larger public domain will improve the site as existing, enhancing the Conservation Area. As such its impact upon the character and appearance of the Durham (City Centre) Conservation Area will be preserved having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and be in accordance with Policies E3, E6 and E22 of the Local Plan

The Quaker Burial Ground

37. This has been another contentious part of the application. The Quaker Burial Ground has already been developed in greater part and incorporated into the gardens of nos. 1 & 2 Belle Vue Court. The extent of the graveyard varies by degree on historical maps, but appears defined on site by a low retaining wall adjacent the gable of the existing bungalow, and the boundary wall and hedge of the property to the west, alongside which runs a vehicular access to it from Claypath, with the said path sitting on top of the retaining wall of Blue Coat Court. This access is outside the ownership of the site, and sporadically maintained by local residents. In the area of the graveyard within the site, the existing retained Ash Tree and a large concrete slab of indeterminate origin exist, the slab having a number of grave markers/memorials displaced from elsewhere set upon it. It has been suggested the slab may be the remains of an air-raid shelter. Residents have both remarked on the existence of a covenant guaranteeing rights of access to the area, and set out a long-standing community affinity to the heritage and history of the land and access to it. The applicants' intentions for this area, and the proposed degree of use of land was not helped by an overcomplicated plan and annotations submitted at the outset. It is clear now that the proposals; include no excavation in the area of the Burial Ground, propose the retention of the tree, propose the retention of the concrete slab, propose to maintain the gated access from the vehicular access. Sleeper constructed planting beds will be set on top of the concrete slab, with the memorials arranged sympathetically between them. Effectively this indicates a minimal intervention approach to the graveyard, with the retention of the slab and new planting beds ensuring a respectful future use (a lawned area for children's play is to be provided elsewhere on site to divert the main residential family use elsewhere on the site).

38. Late in the application process members of the Society of Friends (Quakers), acting on behalf of the Northern Area Meeting of the Society of Friends, which has assumed all legal rights and responsibilities of the Newcastle Monthly Meeting Society of Friends have confirmed that in respect of the covenants on the land which require no gravestones to be removed, the said gravestones are to be placed so they may be inspected and reasonable access given to the Society of Friends or relatives of those buried. Also no buildings will be erected on the land in contravention of the Disused Burial Grounds Act 1884. They have met with the landowners on a number of occasions, inspected the plans and are happy the land is proposed used as a garden, the gravestones will be retained and available for easy access and inspection, and no buildings are proposed built where gravestones are displayed.

39. The County Archaeologist has worked extensively with Officers during the course of the application to ensure a respectful and archaeologically appropriate scheme is proposed. With minimal works on site – and no excavation proposed within the existing boundary walls and a respectful approach to the use of the existing site features, appropriate access maintained, both physically and in relation to the covenant, the proposals are considered

appropriate against the requirements of PPS5 in terms again of both physical and community requirements, likewise the requirements of Policy E24 of the Local Plan. Officers have full confidence in the County Archaeologist and their contacts, and despite initial criticisms local residents have latterly also acknowledged their approach.

40. The County Archaeologist does note the potential for inhumations outside the confines of the defined burial site, and suggests a condition to accommodate this eventuality.

41. Effectively the remainder of the site is accepted as historically recently made-up land with little likelihood of archaeological interest and the proposals are compliant with policy E24 of the Local Plan.

Other Matters

42. The applicant submitted a Phase 1 Habitat Survey and Protected Species Risk Assessment (June 2010) with the application. When determining planning applications where protected species have been identified, local planning authorities must demonstrate that the decision has been made in the correct manner, particularly that the species has been identified as a protected species and that the LPA has discharged its duty to have regard to the Conservation of Habitats and Species Regulations 2010 which transpose the requirements of the European Habitats Directive into UK law, and any other relevant legislation such as the Wildlife and Countryside Act. Where there is likely to be a disturbance to protected species, caselaw has established that local planning authorities must consider whether the Applicant might obtain a relevant licence from Natural England. This requires an examination of the derogation provisions which also form the basis of the licensing regime. However, the Planning Authority must not usurp the functions of the Licensing body in this regard. It is for Natural England to decide licensing applications, the planning authority must only be satisfied that there is a possibility of a required licence being obtained. The Survey and Risk Assessment submitted assessed the various elements on site as of negligible/low/moderate attractiveness to bats, with a survey for badgers, red squirrel, water vole, otters, newts and reptiles. Natural England advise the works should be carried out outside the bird-nesting season, and the proposals are unlikely to have an adverse effect on protected bat species. Officers therefore consider that the proposals are unlikely to detrimentally affect a species affected by law, and therefore as there is unlikely to be a need for a licence, it is not necessary to consider the chances of such a licence being granted.

43. The Coal Authority has requested an informative to cover the potential for unexpected mine-workings being discovered during construction.

44. The submitted tree report and working methods for construction are accepted as appropriate, and whilst Ash Trees are not ideal as garden trees, given the architect has framed the footprint of the building around the focal point of the tree as a site feature its future appears safe. The tree is not formally protected in its own right, but would require consent under a s.211 for any works to it.

45. With a replacement detached garage proposed from the shared vehicular access, Highways engineers have confirmed from their remit that there are no problems with the proposals. The design and siting of the garage – a higher quality replacement for that existing has been uncontentious.

CONCLUSION

46. This has been a contentious application, albeit among a small number of immediate residents, however, it is officers' opinion that the revised design has mitigated to a degree appropriate to allow support, the issues of specific residential impact raised as of concern to adjacent householders. The Policies set out to protect residential amenity seek to ensure a good compromise is reached, so that residents achieve a degree of privacy and amenity that can reasonably be expected. The main Policies Q8 and H13 use language specific to ensure compromise is reached, and the expectations of local residents do not unreasonably thwart development.

47. Likewise, neither the Policies to protect the World Heritage Site, or the Conservation Area are designed to stifle new, innovative contemporary design, but to ensure a quality of development appropriate for the historic environment. The use a mix traditional apex roofs, massing and materials in a contemporary design helps achieve this, in an area of the City where many windows look towards the Cathedral.

48. The minimal works proposed for the graveyard, the level of future use indicated by its layout, and confirmation that issues covered by the Conveyance ensure that this element of the scheme is both respectful and appropriate.

49. Objectors comments, both written, and form meetings have been fully taken into account in coming to a decision, along with those of the Statutory and internal consultees.

RECOMMENDATION

That the applications for Planning permission and Conservation Area Consent be **APPROVED** subject to the following conditions:

4/11/024/FPA:

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

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E22 and Q8 of the City of Durham Local Plan, 2004

3. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, soffits, verges, flues, ventilation, parapets, rooflights and guttering shall be submitted at a minimum scale of 1:20 and approved in writing by the Local Planning Authority before the development commences, and thereafter implemented in accordance with the approved scheme.

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E22

and Q8 of the City of Durham Local Plan, 2004

4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans and cross sections at a minimum scale of 1:20, of the proposed windows, doors, garage doors, rooflights and openings and framing shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E22 and Q8 of the City of Durham Local Plan, 2004

5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans and cross sections at a minimum scale of 1:20, showing the proposed terracing and gardens, including retaining structures, materials and hard and soft landscaping must be submitted to and approved in writing by the Local Planning Authority. Where footpaths are proposed laid inside the graveyard, they must be implemented with a 'no-dig' construction, the specification of which must be submitted and agreed by the Local Planning Authority before construction. The specified items shall be installed in accordance with the approved details.

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E22 and Q8 of the City of Durham Local Plan, 2004

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Part 1, Classes A, B, C, D, E and F and Part 2, Class A of the said Order shall be carried out on or within the curtilage of the dwelling house hereby approved.

Reason; to protect residential amenity and the archaeological interest of the site, compliant with Policies E24 and Q8 of the City of Durham Local Plan, 2004

7. No windows, other than those approved by this consent shall be added to the dwelling at any time.

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E22 and Q8 of the City of Durham Local Plan, 2004

8. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above, and all works must thereafter be fully in accordance with the working methods and protective fencing specified in 'Tree Survey and Assessment for Proposed Residential Development at Brancepeth Manor, County Durham - AJT Environmental Consultants, October 2010' including plan 634.Figure 4A, and the contents of the appended letter, 'Proposed House Development: Land at Brancepeth Manor, Response to Natural England Objection, AJT Environmental Consultants, Ref:634/WJT/JCCR, date 6th December 2010'. Particular attention shall be paid to: timing and temperature constraints and soft felling techniques, root protection areas as detailed on Drawing 634.Figure 4A, protective fencing, adherence to protective working methods as set out in Appendix 3 of the above documents, and installation of the no dig, low impact paving access drive implemented wholly in accordance with the details and specification set out on plan 634-01,

dated 29.11.10. 'Guide for Trees in relation to Construction' BS 5837:2005. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority must be notified in advance of the start on site date and the completion date of all external works.

The approved trees, hedges and shrubs shall not be removed without agreement within five years of the date of completion of the works

Reason: to ensure an appropriate form of development compliant with Policies E14 and Q8 of the City of Durham Local Plan, 2004

9. Before development is commenced a methodology for construction traffic and materials access and delivery to the site must be submitted to and approved in writing by the local planning authority. Said methodology must specify access routes and storage areas for plant and materials, areas for unloading, and a basic survey of the private access road and listed bridge in advance of development, along with an undertaking to right any damage to such that can reasonably be attributed to the construction of the development. The required document must also specify working hours, with no works carried out on Sundays, and Bank Holidays. This methodology and survey must be approved in writing by the Local Planning Authority before development commences. All contractors and subcontractors on site must be made aware of their responsibilities within the methodology, which must be implemented as agreed.

Reason: In the interests of residential and adjacent land uses, compliant with policy H13 of the City of Durham Local Plan, 2004

10. The development hereby approved shall be carried out in strict accordance with the following approved plans:

- 3019.10.00 Rev A – Location Plan (1:1250@A4)
- 3019.10.02 - Demolition Drawing (1:100&1:50@A1)
- 3019.10.10 - Proposed Site Layout (1:200@A1)
- 3019.10.11 – Proposed Landscaping to the Existing Graveyard (1:100&1:50@A1)
- 3019.100.01 rev A – Site Layout, Sections and 3D views
- 3019.20.01 Rev. A – Proposed Lower Floor Plan (1:50@A1)
- 3019.20.02 Rev. A – Proposed Upper Floor Plan (1:50@A1)
- Proposed Roof Plan (1:50@A1)
- 3019.30.01 Rev. A – Proposed South and West Elevation (1:50@A1)
- 3019.30.02 Rev. A – Proposed North and East Elevation (1:50@A1)
- 3019.30.04 Existing and Proposed View from The Elvet Bridge (NTS)

-
- 3019.40.01 Proposed Sections A-A & B-B (1:50@A1)
 - 3019.40.02 Proposed Sections C-C & D-D (1:50@A1)
 - 3019.50.02 Proposed Garage (1:50@A2)

Reason: to ensure an appropriate form of development compliant with Policies E3, E6, E14, E16, E21, E22, E24, H2, H13, T1, T10, Q8, U8a of the City of Durham Local Plan, 2004

11. Before development commences the developer will produce a methodology for dealing with inhumations and evidence of human remains found outside the confines of the Burial Ground, in terms of both archaeological investigation, and respect for the remains themselves. Furthermore full details of an archaeological watching brief for the whole site, and details of fencing off of the graveyard area, to remain in situ for the full period of the construction process must be submitted to, and approved in writing by the Local Planning Authority, before development commences, and thereafter implemented in full and without variation.

Reason: in the interest of the graveyard as an archaeological resource and human resting place, as required by policy e24 of the City of Durham Local Plan, 2004

12. No development shall take place until a methodology for the retention or rebuilding of the boundary walls of the graveyard have been submitted to and approved by the Local Planning Authority. This must include for provision of fencing around the graveyard, in addition to that required by the Tree Mitigation Strategy, said fencing to be retained at all times without alteration during the construction process. There shall be no building works, or storage of materials, plant or machinery in the area of the graveyard at any time during the construction process.

Reason: to ensure an appropriate form of development compliant with Policies E24 of the City of Durham Local Plan, 2004

13. The fencing working methods, tree protection measures and mitigation strategies outlined in the submitted 'Arboricultural impact assessment', All about Trees, 13th Sept. 2010' must be adhered to in full, with the protective fencing maintained in situ at all times during the construction process.

Reason: in the interest of maintaining the existing trees on site in accordance with Policy E14 of the City of Durham Local Plan, 2004

14. No development approved by this permission shall be commenced until:

a) The application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;

b) Should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

c) For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those

included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: In accordance with Planning Policy Statement 23: 2004.

4/11/025/CAC:

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. Development of the site with an approved development scheme shall be undertaken within 12 months of the clearance of the site, or a scheme to tidy and secure the land must be submitted to and approved by the Local Planning Authority, said scheme being implemented within 12 months of the clearance of the site.

Reason: In the interests of safeguarding the character and appearance of the Conservation Area in accordance with policy E22 of the City of Durham Local Plan 2004.

REASONS FOR THE DECISION

1. The proposals have been considered against policies E3, E6, E14, E16, E21, E22, E24, H2, H13, T1, T10, Q8, U8a, of the Council as Local Planning Authority, and are found acceptable in principal, with time limit issues able to be addressed by imposition of an appropriate condition.

2. This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

3. In particular the development was considered acceptable having regard to the Local Planning Authority's duties in respect of Listed Buildings and Conservation Areas, in particular Section 72, and the desirability of preserving and enhancing the character and appearance of the Durham (City Centre) Conservation Area.

4. In particular the development was considered acceptable having regard to consideration of issues of the residential privacy and amenity, scale and massing, effects on residential privacy and amenity, and the effect of development on a burial ground.

5. Objections received on the grounds of the issues set out on section 2 have been fully considered, but are not considered of appropriate weight to justify a sustainable refusal.

BACKGROUND PAPERS

- Submitted Application Forms and Plans, and subsequent amended plans
- Archaeological Assessments from North Pennine Archaeology ltd CP no.1222/10 (09/10)

-
- Ground Investigation Report, ARC Environmental 09-435
 - Arboricultural Implication Assessment – Trees at 76 Claypath, All About Trees, Sept. 2010
 - Design and Access Statement
 - North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
 - City of Durham Local Plan 2004
 - Planning Policy Statements / Guidance, PPS1, PPG3, PPS5, PPG13
 - Responses from County Highways, Northumbrian Water, Coal Authority and English Heritage
 - Public Consultation Responses





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4/11/024/FPA and 4/11/025CAC	
76 Claypath	
Comments	
Date	26 May 2011
Scale	1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0121
FULL APPLICATION DESCRIPTION	PITCHED ROOF OVER REAR BEDROOM
NAME OF APPLICANT	MR R TODD
SITE ADDRESS	10 WELFARE CRESCENT, SOUTH HETTON DH6 2RN
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Laura Martin 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to a mid-terraced property situated on one of the main roads through the village of South Hetton. The front elevation of the property is southeast facing and is approximately 5 metres from the public highway. To the rear of the site is an existing first floor extension with a flat roof and a garage extension at ground floor level, also with a flat roof.

Proposal:

- 2 Full planning permission is sought for the erection of a pitched roof over the existing first floor extension at the site. The roof will measure 7 metres in length and 3.4 metres in width covering the existing flat roof extension at the site. It is proposed that the roof would be constructed with concrete interlocking tiles to match the existing main property. The pitched roof would measure 1.4 metres in depth giving a new total height of 5.9 metres from ground level.
- 3 The application is brought before members, as the applicant is a member of the County Council.

PLANNING HISTORY

None relevant to the application.

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.

Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

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 10 May 2011. No response was received.

7 INTERNAL CONSULTEE RESPONSES:

N/A

8 PUBLIC RESPONSES:

Two letters of notification were sent to neighbouring properties within the area. No letters of representation have been received in respect of the above development.

9 APPLICANTS STATEMENT:

The existing flat roof has been in position for a number of years now and has needed patching on a number of occasions recently to stop water ingress.

Rather than spending more money on repairs to the felt, a pitched roof would represent a more cost effective longer-term solution to the problem and provide a roofline more in keeping with the remainder of the terrace.

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=113240>. 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 on neighbouring properties
- Visual amenity

Durham County Council will seek to resist a rear extension contrary to the intentions of the saved policies in the District of Easington Local Plan and which in turn it considers to have an adverse and detrimental impact upon the amenities of the host dwelling, street scene and wider setting.

Appendix 7 of the Local Plan states that ‘the use of flat roofs on extensions should, where possible, be avoided and will not normally be allowed on two storey extensions’. In addition Policy 73 clearly states that extension to an existing dwelling, requiring planning permission, will be approved provided that: 1) The proposal is in keeping with the scale and character of the building itself and the area generally in terms of its site coverage, height, roof style, detailed design and materials. The introduction of the pitched roof would not give rise to over shadowing or loss of light to neighbouring properties given existing extensions at those properties and the orientation of the application site. In addition the pitched roof would help to improve the current levels of visual amenity enjoyed at the site and would tie in with the main dwelling and neighbouring properties’ extensions.

Whilst it is acknowledged that there are existing flat roofs in the area, it is considered that the introduction of a pitched roof would help to raise the standard of design for the terrace and may encourage future developments to incorporate similar designs. It is considered that the re-design of the existing rear extension at the site would achieve this with the introduction of a pitched roof over the existing flat roof.

The pitched roof would be able to be seen from the rear of the terrace and in wider public views from the cricket and football ground across the rear lane at the site. Therefore in this respect the pitched roof would tie in with the pitched roof extension next door and elsewhere within the street.

CONCLUSION

- 10 It is therefore considered that the proposed development is acceptable and would not adversely impact upon the existing character and appearance of the area or adjacent occupiers. It is therefore considered that the proposed development is acceptable and in accordance with the intentions of the District of Easington Local Plan and in particular policies 1, 35, 73 and Appendix 7.

RECOMMENDATION

11 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; Ordnance Survey Location Plan, 1102 No.1 and 1102 No. 2 all received 29 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	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
2. In particular the development was considered acceptable having regard to consideration of issues of visual and residential amenity.

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/5/2011/0110
FULL APPLICATION DESCRIPTION	OUTDOOR MARKET AND CAR BOOT FAIR - SUNDAYS BETWEEN 12 NOON AND 5.00 PM FROM LAST SUNDAY IN MARCH TO THIRD SUNDAY IN OCTOBER EACH YEAR (VARIATION OF OPERATING DATES APPROVED UNDER PLANNING APPLICATION REFERENCE PLAN/2008/0086)
NAME OF APPLICANT	NOBLES PROMOTIONS LTD
SITE ADDRESS	LAND AT SEAHAM HALL FARM, SEAHAM
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The site is located north of Seaham Hall, outside of the settlement boundary of Seaham and in the countryside. It comprises open areas of grassland lying to the east and west of the B1287 Coast Road, which links Seaham with Ryhope and Sunderland to the north. The site is within a designated Green Belt and Area of High Landscape Value.

Proposal:

- 2 Planning permission was granted in 2008 for the use of the site for an outdoor market and car boot fair on Sunday afternoons between 12 noon and 5pm from the beginning of March to the end of September each year. This application seeks to change the times of operation to allow the outdoor market and car boot fair to run from the last Sunday in March to the third Sunday in October each year. The application is exactly the same as that which was approved in 2008, however the time of year over which the outdoor market and car boot fair would operate would shift forwards by three weeks. This would mean that the operating hours and the number of days a year the outdoor market and car boot fair would operate each year would remain the same.

PLANNING HISTORY

00/239 – Sunday Market and car boot sale refused planning permission in July 2000, on grounds of inappropriate commercial development in the countryside detracting from the character and appearance of the coast, Area of High Landscape Value and Green Belt. A subsequent appeal against this decision was dismissed. The planning inspector who dealt with the appeal considered that the proposal would represent inappropriate development in the Green Belt and would result in substantial harm to the Green Belt and the character and appearance of the countryside.

04/475 – Sunday Market and car boot sale was refused planning permission in July 2004, on grounds of inappropriate commercial development in the countryside detracting from the character and appearance of the coast, Area of High Landscape Value and Green Belt.

2006/0529 – Outdoor market and car boot fair refused on grounds of inappropriate commercial development in the countryside which would detract from Area of High Landscape Value and Green Belt.

PLAN/2008/0086 - use of the site for an outdoor market and car boot fair on Sunday afternoons between 12 noon and 5pm from the beginning of March to the end of September each year. Approved.

PLANNING POLICY

3 NATIONAL POLICY:

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

Planning Policy Guidance 2 (PPG2) outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

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

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

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

4 REGIONAL PLANNING POLICY:

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

to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. Of particular relevance are the following policies:

Policy 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 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

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.

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 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 polices.

Policy 4 - This defines the extent of the Tyne and Wear Green Belt that lies within County Durham.

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

Policy 9 - Development within the defined coastal zone will only be allowed if the requirement for the project cannot be met outside of it and the need for or benefit from the scheme outweighs any adverse impact.

Policy 16 - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.

Policy 19 - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.

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:

Environment Agency – no objections

Northumbrian Water – no objections

Natural England – no objections, however would have concerns regarding the impact on birds if extended further into the winter period

Sunderland City Council – no comments

7 INTERNAL CONSULTEE RESPONSES:

Environmental Health – no objections

Planning Policy – no objections

Highways Officer – no objections. Conditions recommended

Design Officer – concerns regarding impact on landscape

8 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notices and individual letters to residents.

Six letters of objection to the application have been received. A summary of the main concerns is as follows:

- A petition was submitted against the development in 2007
- An increase in traffic congestion
- The site is in greenbelt
- Increase in anti-social behaviour
- Increase in litter
- The number of car boot sale events will increase

9 APPLICANTS STATEMENT:

I would like to confirm that I would like to change the opening dates of the car boot fair and market at Seaham Hall Farm from the 1st Sunday in March to the last Sunday in September.

I would like to change to the 3rd Sunday in March to the 3rd Sunday in October. The reason for this is mainly due to weather conditions in early March.

This does not mean a change to the number of days we are open it is just a shift in the dates.

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=113193>. 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 relating to this application are the relevant development plan policies and planning history of the site and highways issues.

10 Development Plan Policies and Planning History

In policy terms, the site lies within an area designated in the District of Easington Local Plan as the Northern Area of High Landscape Value, the North Durham Green Belt and the Coastal Zone. Other relevant development plan policies relate to the protection of the countryside and the location of markets.

In 2008, the planning application for the use of the site for an outdoor market and car boot fair was recommended for refusal by officers as the proposal was considered contrary to Local Plan policies 3, 4, 7, 9, 113 and Planning Policy Guidance Note 2.

However, members overturned that recommendation and granted planning permission as it was considered that the proposal would be acceptable due to the economic benefits that the development brought to Seaham, that the site was well managed, road improvements in the area had improved traffic flows for site traffic and that the development contributed to tourism by attracting visitors to the area.

On the basis of the above, it is clear that the applicants have a fallback position which allows the outdoor market and car boot fair to operate for the same number of Sundays each year as this application proposes, albeit this would begin and end three weeks earlier. Due to the responses from consultees, and that planning policy has not significantly changed since the approval in 2008, it is not considered that starting the outdoor market and car boot fair three weeks later and finishing three weeks later raises any new issues that would lead to refusal of this permission.

With regard to the objections from residents, again it is not considered that the change in the time of year which the event would occur will lead to any further increase in traffic, litter or anti-social behaviour and again it is emphasised that the numbers of events held each year would remain the same.

11 Highways issues

As stated previously, highways officers have recommended conditions relating to the widening of an access and improved pedestrian links. However, the original planning approval did not include these conditions and therefore it is considered unreasonable to introduce new conditions at this stage, particularly as there is no record of any problems occurring as a result of any failure to undertake the relevant works.

On advice of the highways officer, the applicant will be advised to contact Network Rail to enquire whether a yellow box junction on the Lord Byrons Walk level crossing is required.

CONCLUSION

- 12 Given that permission already exists for the same number of events during a slightly different time of year, it is not considered that this application raises any new material planning considerations that would warrant refusal of planning permission. Objections from residents do not raise any issues that do not already exist due to the previous planning approval.
- 13 It should be noted that a Section 106 legal agreement would be required to ensure that the outdoor market and car boot fair could not be held during the times of year specified in the previous application as well as that in the current proposal.

RECOMMENDATION

- 14 That the application be **APPROVED** subject to a Section 106 Agreement and 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 use of the land for an outdoor market and car boot sale shall be restricted to Sundays between the hours of 1200 to 1700, from the last Sunday in March to the third Sunday in October each year.
Reason: In the interests of preserving the amenity of residents in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN

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

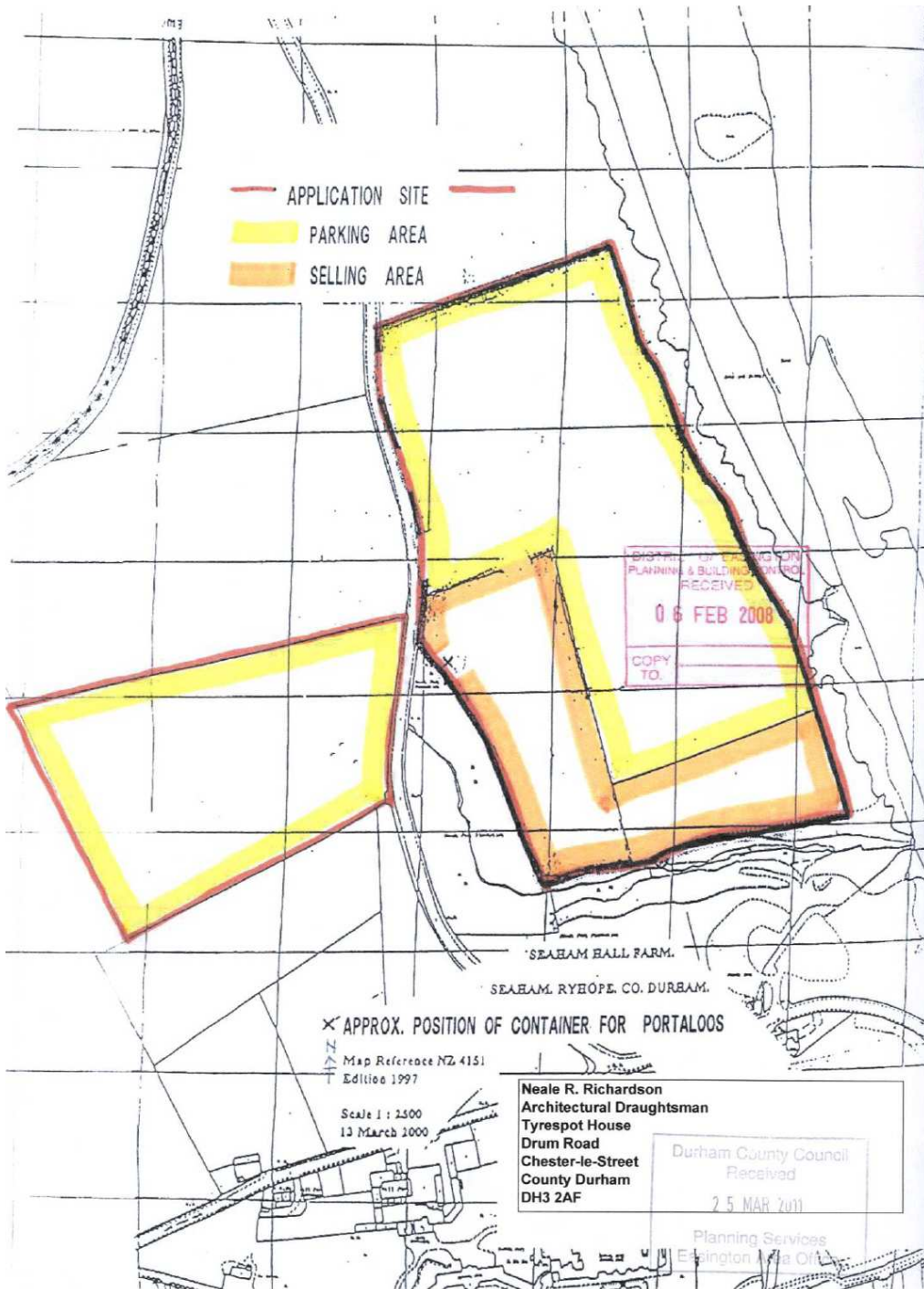
ENV03 - Protection of the Countryside
ENV04 - Greenbelt Extension in County Durham
ENV07 - Protection of Areas of High Landscape Value (AHLV)
ENV09 - Protection of the Coastal Environment
Env16 - Protection of sites of Nature Conservation Importance.
Local Nature Reserves and Ancient Woodlands
ENV19 - Management of Areas of Nature Conservation Interest
GEN01 - General Principles of Development
RSS1 - Renaissance
RSS2 – Sustainable Development
RSS8 – High Quality Design
PPS1 - Delivering Sustainable Development
PPG2 - Greenbelts
PPS4 - Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of the fallback position, which entitles the car boot sale to operate for the same period of time, albeit at a different time of year.

3. Objections received were not influential in leading to refusal due to the previous planning approval.

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



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